THE NATION

SPECIAL ISSUE: 50c *OCTOBER 18, 1958*

THE FBI

by Fred J. Cook

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by FRED J. COOK

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NEW YORK, SATURDAY, OCTOBER 18, 1958
VOLUME 187, NUMBER 12

THE NATION

THE FBI

by Fred J. Cook

INTRODUCTION BY THE EDITORS

The Federal Bureau of Investigation is, by any reckoning, one of the most important agencies of the federal government. In function, personnel and budget, it has grown enormously in the last two decades. The nature of its work touches on the most sensitive—and vital—aspects of government in a democratic society. Yet critical appraisals of the FBI are as scarce as adulatory notices are common. A number of books have been written about it, most of them under the unofficial imprimatur of the agency or of its director, but the last objective study was undertaken in 1950 (*The Federal Bureau of Investigation* by Max Lowenthal). In a way, this is not surprising. It is difficult to appraise the work of a police agency, particularly one as large, and with as many different functions, as the FBI. Much of its operations consists of routine investigations which are not intended to lead to official action of any kind. But difficult as the task may be, the importance of an objective appraisal is clear. Of the FBI, as of any important agency of government, the public is entitled to ask: How good is it? How well does it discharge its proper functions? In what respects is it subject to criticism? And who is responsible for assaying its performance?

Given the singular failure of criticism in relation to an agency of the self-evident importance of the FBI, the editors of *The Nation* decided to call in Fred J. Cook, one of the country's top reporters and investigators in the field of crime, and to ask him this question: Just how good is the FBI as a police agency? Is it, we asked, as good as the New York Police Department? as Scotland Yard? Is it the best in the world? Specifically, we wanted to know what other police bodies think of it; what experts have had to say of its work; whether it plays politics; why it continues to get so much laudatory publicity; why, almost alone among government agencies, it always gets its full appropriation from Congress.

What follows is Mr. Cook's response to that assignment. In asking him to undertake it, we promised him a free hand in developing his report in such fashion and at such length as he might deem necessary. What we wanted, and what is here presented, is the core of critical truth about the work of the FBI. — THE EDITORS

OCT 17 '58

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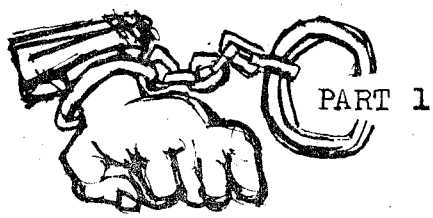

POSING THE BASIC ISSUE

A STOCKY, hawk-nosed Cleveland industrialist caused a national gasp on the quiet Sunday evening of May 4, 1958, when he went before Mike Wallace's television seeing-eye and dared to criticize America's most sacrosanct institution, the Federal Bureau of Investigation. Cyrus Eaton, a seventy-four-year-old multi-millionaire who controls some of the largest industrial empires on the North American continent, was the offender. He warned that the United States, drifting far from the individualism that had guided and inspired the patriots of '76, was verging dangerously upon the attitudes of a police state. Of the FBI, he said:

> I think it's had a tremendous build-up. It has enjoyed wonderful propaganda and sold itself in a marvelous way. But I always worry when I see a nation feel that it is coming to greatness through the activities of its policemen. And the FBI is just one of scores of agencies in the United States engaged in investigating, in snooping, in informing, in creeping up on people. This has gone to an extent that is very alarming.

In Washington on that same quiet Sunday, possibly in anticipation of bleak Monday, one of the slowest news days of the week, reporters were being fed excerpts from the testimony that FBI Director J. Edgar Hoover had given recently before a House appropriations subcommittee. Though an appropriations subcommittee would hardly seem to be the logical forum, Hoover had taken advantage of the occasion to make it clear that he was extremely disenchanted with the Supreme Court of Earl Warren. He said "crime and subversion" had become "critical challenges" to law-enforcement agencies as a result of recent court decisions. He attacked these decisions for wiping out forty-nine of the 108 convictions of Communists under the Smith Act ban on teaching and advocating violent overthrow of the government; he stressed that he had "the utmost respect for the independence of the courts" and insisted that the "judiciary is not, and never must become, a mere rubber stamp for the other branches of government." Then, all the appropriate sentiments uttered, he laid down the law for the judiciary on its clear duty in these words: "But the courts themselves must eventually come to grips in a realistic manner with facts and join all forces for good in protecting society."

This clear call by J. Edgar Hoover for an independent judiciary that would agree with J. Edgar Hoover marks one of Fate's more propitious timings in the dramatization of issues. For disclosure of the Hoover testimony, coming on the same day that Eaton spoke out, presented this striking dovetailing of events: a critic denounces the growth in America of what he considers dangerous police power and, even as he does, the nation's No. 1 policeman demonstrates the extent of that power by taking to task the highest court in the land.

Perennial Questions

It is an apt coincidence that serves to raise fundamental and haunting questions — questions that hovered over the FBI at its birth and that have returned on occasion to plague it since. Is there danger in a highly-concentrated national police power? Is there danger to civil liberties? To freedom of speech? To the administration of justice itself?

These questions have been raised again and again; and always, until now, they have been answered in the popular mind in favor of the FBI. J. Edgar Hoover and the agency with which his name is inseparably linked — because in effect he is the agency — have been placed by public sentiment upon a pedestal and made the center of a cult of hero worship. Both have been garbed by popular imagination in robes of virtual infallibility. Because this is so, other questions inevitably arise. Is this lofty eminence completely justified? Even if it is, is there danger in it? For example, the kind of danger that comes from granting to any man and to any human agency almost complete absolution from criticism, almost complete acceptance of all their ideas as gospel.

Such are the questions that come thronging every time a Cyrus Eaton opens his mouth and lifts the lid on a Pandora's box of possibilities. For answers, one has to dig into the background and development of the FBI; one has to examine carefully, not just the sensational achievements, but the methods and attitudes as the record unveils them.

One thing, at first glance, becomes apparent: Hoover, in these latter years of the Warren Court, has not hesitated to step beyond the role of policeman and throw down the gauntlet to the judiciary. His 1958 criticism of the Supreme Court was no isolated harpoon, flung on the spur of the moment. Less than a year previously, he had been chiefly instrumental in kicking up a public storm against the Court, precipitating a controversy that lasted for months and that carried the imputation that the Court had become a positive menace.

Study in Contrasts

The furor centered on the Court's decision in the *Jencks* case. It was sparked by repeated barbed statements by Hoover; it was marked by deliberate maneuvers by him to force Congressional action to curb the Court. The entire sequence offers a dramatic study in contrasts — the reality about what the Court actually said conflicting with the myth that Hoover promulgated about what it said. The actual language

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and decree of the Court were buried and lost to view in the public acceptance of the myth.

Actually, the case involved seemingly clear-cut and simple issues. Clinton Jencks, a New Mexico labor leader, had been convicted on charges that he had filed a false non-Communist affidavit. Principal witness against him had been Harvey Matusow, long a favorite informer for the FBI and Congressional committees. After Jencks's conviction, Matusow demonstrated that he possessed the traits of instability and unreliability for which informers are often noted. He joined a church, professed to have discovered conscience, proclaimed that he had lied in his testimony involving Jencks and others — and promptly was jailed as a perjurer by an indignant government.

Conviction Is Reversed

The legal issue in the *Jencks* case had been joined, however, before Matusow's startling about-face. At stake was one clear and simple principle: Jencks's counsel contended that they should have been given access to FBI reports in which Matusow had detailed his original charges. The purpose was a logical one — to test Matusow's credibility, to compare the story he told on the witness stand with the story he had told originally. In the light of subsequent developments, this would seem to have been a sound idea, and the Supreme Court, by a nearly unanimous 7 to 1 decision, threw out the *Jencks* conviction and ruled that, when the government puts a witness on the stand, it must make available to the defense the details of his earlier questionings as a test of his veracity. "Every experienced trial judge and trial lawyer knows the value for impeachment purposes of statements of the witness regarding events before time dulls treacherous memory," Justice William Brennan wrote in giving the Court's decision.

This elemental rule of logic quickly became lost in the spate of wild denunciation that smothered Capitol Hill. Justice Tom Clark, in a dissenting opinion, had pictured the *Jencks* decision as opening the door to fishing expeditions in the FBI's secret investigative files. Hoover, with strong support from his allies in Congress and rabid sections of the ultra-conservative press, took up the cry, and almost overnight the impression was created that the Court had given Communists carte blanche to force revelation of the FBI's most closely guarded secrets.

A brief chronology of events shows how vigorously the campaign against the Court was pressed, how the anti-Court image in the press was cultivated. On June 28, 1957, *The New York Times* reported that Hoover was "understood to have passed the word that his agency will drop out of some espionage and other criminal cases if this becomes necessary to protect its confidential informants." On July 28, in a report to Attorney General Herbert Brownell, Jr., Hoover stressed for the record that confidential informants had been responsible for the arrest of 2,700 persons in the nation in the past year, and he furnished ammunition to the anti-Court faction in Congress by this pointed declaration: "The very basis of our success is the FBI's assurance to this country's citizens that the information they give will be maintained in strictest confidence in our files." Hoover followed this up on August 14 in a letter to Representative Joseph W. Martin, Jr. (R., Mass), minority leader in the House, demanding legislation to protect the FBI files from disclosure. He said that some informants already had clammed up as a result of the Court decision and added that he had had to drop some cases in preference to opening the files. Capping all of this, Hoover went before the American Legion in its 39th annual convention in Atlantic City on Sept. 19, 1957, and charged that the campaign to throw open the FBI files was the work of "a hard core of propagandists." The Legion praised Hoover and passed a resolution criticizing recent Supreme Court decisions, especially the one that "opened" FBI files.

The sequence tells its own story. The *Jencks* decision did not compel the FBI to disclose the name of a single informant; it did not throw open the FBI files. It simply required that, when an informant was put upon the witness stand to testify, his previous statements dealing with this testimony should be made available to the defense. All the Supreme Court had done, actually, was to draw the line between police-state methods that cloak and protect a favored accuser and the system of justice that should prevail in a democracy. It had done so in these memorable words:

> It is unconscionable to allow it [the government] to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to the defense.

As such an expert as Dean Erwin N. Griswold, of the Harvard Law School, pointed out, "There is absolutely nothing in the opinion giving the public access to the secret files of the FBI. It simply blueprints procedures used right here in Boston and every criminal court." Yet the repeated statements by Hoover, carrying the prestige that attaches to his name, and their solemn repetition on Capitol Hill, had convinced large segments of the public that the security of the nation was at stake.

Pugwash Waterboy

Such is the immediate background against which one must try to assess the validity of Cyrus Eaton's charges. In doing so, the question arises: just who is Cyrus Eaton? His name is not a household byword as are the names of Rockefeller or Carnegie or Mellon, and the daily press, which made note of his charges, wasn't very helpful in presenting a picture of the man. He was usually described as a "Cleveland industrialist" or a "Cleveland millionaire," vague tags of identification that conveyed no impression. Actually, except for the unorthodoxy of some of his political views, Cyrus Eaton might well qualify as the prototype of all the Horatio Algers of free enterprise: he began life as a waterboy in Pugwash, Nova Scotia, and now is numbered well up among the wealthiest men in America.

Peculiarly enough, Eaton and Hoover have at least one point in common. Both as young men toyed with the idea of entering the ministry. Hoover wanted to become a

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Presbyterian pastor before he entered government service, and Eaton, for a brief period, actually did serve as a lay preacher in a Baptist church in Cleveland. He left the pulpit for big business at the behest of John D. Rockefeller, who recognized in the college youth who toiled upon his estate in summer the latent talents needed in a captain of huge enterprises.

Using for credit little more than an idea and his own reputation for trustworthiness, Eaton borrowed from the banks and put together the rudiments of a Canadian utility empire. He went on to amass millions — and to lose most of them in the crash of 1929. By that time, he had formed Republic Steel, now the country's third largest producer; Goodyear, the largest tire company; and Continental Shares, the third largest utility. All were lost to him in the stock-market debacle.

Second Empire

Undaunted, Eaton went to work to recoup and assemble a second empire. This now includes the Chesapeake and Ohio Railroad, one of the best money-makers in its field in the nation; the West Kentucky Coal Company, third largest in the world; the Greenbrier Hotel, where President Eisenhower has received and consulted with foreign dignitaries; Portsmouth Steel, which controls Detroit Steel and other companies; and Steep Rock Mines, one of the largest and richest veins of iron ore on the continent.

The record is hardly that of a man who is a secret Communist or a Communist sympathizer. Yet Eaton gets himself called some nasty names because he has dared to flout the mores of his big-business species by insisting that it's better to be friendly with the Russians than to run a hate campaign against them.

Never a man to hold ideas without attempting to implement them, Eaton created a minor rumpus a couple of years ago when he sent a prize bull to Russia to improve the breeding stock there. Criticized for his action, he explained his philosophy to Boonton Herndon in an article in *True* with this catchy phrase: "It's better to trade bulls than bullets." The uproar over the gift was a gentle zephyr compared to the gale that Eaton raised last year when he first summoned nuclear scientists from all over the world to a conference at his estate (he has since played host to them a second time). He included Soviet Russian and Communist Chinese scientists among his guests; he had the temerity to say later that he liked them and got on fine with them; he even charged that the Communist scientists were less fearful in talking about mutual scientific problems than the Americans were.

All of this has not made Eaton liked by the disciples of the far Right, to whom a sip of vodka with a Russian is regarded as contamination. To the dedicated zealots, there is only one explanation for a man who acts as Eaton does. He *must* be a Communist; he *has* to be. Eaton snorts his disdain at the imputation. He points to the fact that employees of his C.&O. own close to $3 million worth of the railroad's stock, and he insists that this joint ownership of a great industry by its employees is a people's capitalism that beats communism any day. "If Karl Marx lived today," Eaton told Herndon, "he'd be a capitalist."

Police-State Methods

This is the man who shocked listeners on the Mike Wallace program by declaring that police-state methods, as they are practiced by the FBI and other government investigative agencies, are throttling and restricting Americans. He told Wallace:

> I think our scientific development in this country has been enormously retarded. The scientist is conscious that the FBI is breathing down the back of his neck all the time, scaring him. He is not even allowed to talk to his wife about secret things. We've gotten so enchanted with the value of these security measures that we have carried them to an enormous extent and we have even praised the FBI for violating the rights of free men.

Eaton insisted that any idea that we can keep industrial methods and developments secret is "just a hallucination and an emphasis on the police side of our government," and he wound up by declaring that "Hitler in his prime, through the Gestapo, never had any such extensive spy organizations as we have in this country today."

The Gestapo gibe was, of course, the unkindest cut of all. Hoover, offered free TV time to reply, gave a performance that may best be characterized as being both above and below the battle. His on-the-record answer was lofty; he would not, he said, "dignify" Eaton's remarks with a reply. But he made no secret of his delight and support when others stooped to the task of dignifying.

First into the breach was the House Un-American Activities Committee, which asked for the time Hoover wouldn't use. Competent newsmen noted that this was an unusual demonstration of brotherly solidarity. Usually, Congressional committees do not take up the cudgels for administrators in the Executive Branch. But the rapport between J. Edgar Hoover and the House Un-American Activities Committee has long been close. Years ago, the House committee was fed the first tip on the Alger Hiss case out of the FBI's supposedly secret files; only last fall, when the House committee was under attack and the suggestion was made that perhaps it ought to go out of business, Hoover came to its defense by saying "real Americans" wouldn't be fooled by the attacks, that "real Americans" knew the committee had played a vital role in safeguarding freedom. And so the safeguarders of freedom came to the defense of Hoover.

Richard Arens, the committee's staff director, went on the air on May 19 and announced that the committee chairman, Representative Francis Walter (D., Pa.), had signed a subpoena yanking Eaton before the committee to explain himself.

Hosannas to which the committee has become accustomed when it makes such dramatic moves failed to resound this time. The great bellwethers of the American press, not noted on the whole for their fighting liberalism, did a double-take and began to ask editorially some embarrassing questions. Questions like: Isn't this precisely what the shouting was all about? Is the House committee

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trying to prove that Cyrus Eaton was right when he charged we are becoming a police state? Where is our vaunted freedom of speech if, the moment a man opens his mouth to express an unorthodox opinion, he is subjected to a Congressional inquisition to explain himself? Even the conservative New York *Herald Tribune* was moved to comment:

> We haven't agreed with many of Eaton's positions, but we think it is a very healthy thing, and a heartening affirmation of the pluralistic nature of our society, to have so wealthy a man taking such an unorthodox and non-conformist position. Go right on speaking your mind, Cyrus. Walter is making a fool out of nobody but himself.

This backfire in conservative quarters evidently gave the House committee pause. Some members protested that Walter, the chairman, hadn't consulted *them* about issuing that subpoena. Days passed and the much-publicized subpoena didn't get itself served. Finally, through mutual friends, a private session between Eaton and the House committee was arranged in the hope that all could be smoothed over. Never was hope more evanescent. Eaton appeared and made more direct and more personal everything he had said on the air. Walter stormed out of the hearing, denouncing Eaton as a Communist-lover; Eaton charged that Walter and Arens had adopted "un-American tactics . . . in attempting to intimidate, bully and push citizens around." He taunted the committee with failure to serve "its still-phantom TV subpoena" and said he'd be happy to appear at any time and tell the committee off in public.

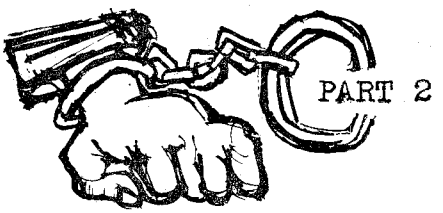
The controversy between the committee and Eaton had left Hoover out of the battle and out of the range of the backfire. From this ideal strategic position, he deigned to dignify Eaton's charges with a reply in a personally signed editorial appearing in the FBI's *Law Enforcement Bulletin* for July. In this, without naming Eaton, Hoover defended his agency's "magnificent record of accomplishment" and attacked "an unscrupulous few" who "through studied insults and calculated distortions would besmirch and disgrace this world-renowned record of democratic achievement." A further attack on Eaton was delivered by Hoover's titular boss, Attorney General William P. Rogers, in a speech in which, again without naming Eaton, he denounced the Gestapo charges as "reckless criticism" and added that they were "an insult to the men and women devoting their lives to a career of service in the law-enforcement profession."

The duality of Hoover's position—his lofty pose above the battle, his not-so-lofty encouragement of the troops—is revealed even more graphically in a letter that he wrote to Walter Trohan, of the Chicago *Tribune*. Trohan had leaped into the fray with an article attacking Eaton. It was headlined: "Eaton Rates as Russia's Favorite U.S. Capitalist." This obviously delighted Hoover, for he wrote:

> Dear Walter: I have just heard about your article which appeared in the *Tribune* this morning concerning Cyrus Eaton, and you did a fine job in exposing him for what he is. Eaton's attack on the FBI is one of the most vicious ones which has ever been leveled against us, but frankly, his charges are so wild and irresponsible, I just can't believe anybody is going to pay any attention to him. This man has made his own pink little dream world and now he will have to live in it.
>
> With best wishes always,
>
> Sincerely, Edgar.

Does this letter strike one as lacking the lofty and statesmanlike tone that would accord with the noble image painted through the years on the mental retina of most Americans?

If it does, perhaps one is justified in inquiring further, in probing more deeply into the complex story of J. Edgar Hoover and the FBI. And perhaps one may be forgiven — although, almost certainly, one will not be — for seeking answers to the logical and legitimate questions: Is the FBI the perfect organization beyond reproach? Or is it a mixture, part heroic fact, part heroic myth, which Americans should try to understand before they worship?



THE STORMY BEGINNINGS

EVEN THE MOST zealous defenders of the FBI do not attempt to defend some of the activities of its early years, which concededly fulfilled the worst predictions of critics when the agency was created. The best that can be said about that early record now is that it is far in the past and no longer matters; it belongs to that other FBI that existed before J. Edgar Hoover created the true FBI; and the contrast, if anything, just goes to prove how lucky we are. Thus the only point at issue is the relatively simple one: Is all this true?

To form an opinion, one has to go back to the beginning.

The bureau was set up by executive fiat during the Presidency of Theodore Roosevelt. Roosevelt's Attorney General, Charles Joseph Bonaparte, had asked Congress to create a national detective force, but had run into strong opposition. One Iowa Congressman had insisted that "no general system of spying upon and espionage of the people . . . should be allowed to grow up." Editorial writers had raised the horrible specter of Fouché, Napoleon Bonaparte's rascally police czar who first intimidated the French people, then intimidated Napoleon himself because he knew so many palace secrets and finally, at the propitious

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time, double-crossed his master. Obviously, from this reaction, Americans were still suspicious, as they had been since the Revolution, of a strongly-concentrated police power, and so Congress vetoed Bonaparte's plan. But after Congress adjourned, on July 1, 1908, the Attorney General on his own authority set up the bureau.

Reconvening Congressmen, confronted with a *fait accompli,* were furious. Charges were made that the mail of Congressmen was being opened, that Congressmen were being shadowed by detectives, that dossiers on their private lives were being prepared as ammunition for Theodore Roosevelt to use against his enemies.

Congressional Fears

The spate of words seems to have contained more suspicions than fact, but in Congressional hearings and speeches on the floor, the fears of those who regarded a secret police as a potential threat to democracy found eloquent expression. For example, Secretary of the Interior James A. Garfield remarked: "Without in any way reflecting upon the work of good detectives, I find that the moment a man has perfected himself as a detective, he approaches every case with a desire to prove that the person against whom a charge is made is guilty." And Congressman J. Swagar Sherley, of Kentucky, drew applause in the House when he said: "In my reading of history I recall no instance where a government perished because of the absence of a secret-service force, but many there are that perished as a result of the spy system. If Anglo-Saxon civilization stands for anything, it is for a government where the humblest citizen is safeguarded against the secret activities of the executive of the government. . . ."

Attorney General Bonaparte attempted to allay Congressional fears by pointing out that the new investigative bureau was subject to his own direct, personal control. He received daily reports on its activities and so, he said, could keep tabs on the detectives at all times. Furthermore, he insisted, there was a second check-rein: Congress had the authority and could always investigate any abuse of power by the detectives. Critics found flaws in both of these safeguards. Under questioning, the Attorney General admitted that it was a considerable additional chore for him to study the daily reports and keep fully abreast of all the activities of the new bureau, and Congressmen speculated that even they might not be able to exercise a restraining influence because they foresaw the day when the bureau might claim it had to maintain secrecy even against Congress.

Such were the doubts that shrouded the birth of the Bureau of Investigation, the agency that was later, in 1935, to be renamed with its present title, the Federal Bureau of Investigation.

The first major test of the new detective force came in the trying days of World War I. The bureau was badly undermanned and poorly trained to meet the threat posed by skilled German spies and saboteurs. The result was that, both before and after America's actual involvement in the war, enemy agents had a veritable field day. Their major coup came on July 30, 1916, when some two million pounds of dynamite were touched off on Black Tom Island in New York harbor, a transfer point for the shipment of munitions to the Allies in Europe.

Dragnet Procedure

The bureau's failure to prevent espionage and sabotage wasn't the only mark chalked up against it in World War I days. Equally serious, at least from a civil-liberties point of view, was the dragnet procedure it adopted to round up possible draft dodgers. Massive raiding parties were organized, and all men in sight—the young, the gray-haired, the semi-invalid — were seized without discrimination and corralled like cattle in what the press dubbed "bull pens" until they could get birth certificates or other documents to prove they were not slackers.

A few examples are indicative of the indescribable turmoil that resulted. When the raiders swooped down on Atlantic City, for instance, they organized their task force well outside of town and then drove at top speed to the resort's amusement piers. A cordon of agents sealed off the landward ends of the piers, and others in the raiding force began slapping handcuffs on every male in sight. One woman, evidently mistaking the raiders for gangsters, became hysterical and leaped into the sea. The agents were so busy handcuffing, and the bewildered males on the pier so helpless at being handcuffed, that the woman almost drowned before an isolated man with two free hands found time to rescue her.

Trapping the Innocent

In New York City, federal raiders scoured the streets, snapping up every male who had the misfortune to be in sight at the time and day of the raid — 7 A.M., Sept. 3, 1918. The roundup continued for three days. Men were yanked out of barbershops with lather on their faces. Others were picked up in full evening dress returning home from a night on the town. One man was caught in a shoemaker's shop, carrying a pair of his wife's shoes that he had brought for repairs, and he was hustled off to a "bull pen," shoes still in hand. It took days to process the unmanageable horde of prisoners and inevitably, in the end, it was found that the innocent far outnumbered the guilty. Caught in the indiscriminate trap of the raiders were off-duty policemen out of uniform, workers in war plants, persons engaged in confidential military missions and even diplomats attached to the embassies and legations of America's Allies.

Accounts vary on what was accomplished by this flagrant flouting of individual rights. First reports, supposedly official, had placed the number of men picked up at 75,000; the bureau's final figure was 50,000. Originally, a bureau spokesman had estimated that from 25 to 30 per cent of those picked up would be found to be slackers; later, optimism waned and one incautious agent speaking out of turn — something that never happens in the new FBI — said that out of every 200 men seized, 199 never should have been. The final bureau tabulation showed that 1,505 were inducted into military service as a result of the raids,

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but this figure was made to look more respectable by adding to it another 15,000 whose cases were referred to draft boards. Even putting this best possible face on the matter, the black truth remained that more than half of the men who had been picked up and herded at bayonet point into the "bull pens" were law-abiding citizens whose treatment could not possibly be justified.

The resultant cries of outrage in the press and in Congress rocked the bureau. The slacker raids, originally scheduled for much longer life, were hastily abandoned. Investigations were begun. And a couple of attitudes emerged that still seem significant.

Means and Ends

The first was the bureau's insistence that it had committed no impropriety. The New York divisional chief defended the raids as "justified if only two or three slackers have been found." He took the view that the results justify the means and insisted that "the effects of this crusade would be of inestimable value even if the net had not brought in a single slacker." The second attitude that strikes one was that of Attorney General Thomas W. Gregory, who was both shocked and helpless: shocked at the violation of personal liberty; helpless to prevent it. The Attorney General took the responsibility for the raids, which he had felt were necessary as a wartime measure, but not for the manner in which they had been conducted. Indicating that the close control which Bonaparte had insisted the Attorney General could exercise over the bureau was already proving difficult, if not impossible, to maintain, Gregory testified that he had told agents "over and over again" what they might and might not do, but then they'd gone and acted "contrary to my express instructions."

It was against this background of wartime crisis that a new personality joined the bureau. He was a man whose name was to become synonymous with the FBI as we know it—J. Edgar Hoover.

Hoover was born in Washington, D.C., on January 1, 1895, the son of Dickerson N. Hoover, a minor government employee. As a high school student, he had sung in the choir and taught a Sunday-school class at the Presbyterian Church of the Covenant, to which his family belonged. He was the valedictorian of his class and toyed for a time with the idea of entering the ministry. Abandoning this first youthful ambition, he decided to study law. He turned down a scholarship at the University of Virginia because living expenses away from home would be too much for the family budget, got a job as a clerk in the Library of Congress at $30 a month and studied nights at George Washington University. He received his Master's degree in law in 1917, was admitted to the District of Columbia bar, and joined the Department of Justice as a $990-a-year clerk.

One of the best pictures of Hoover as a young man on the rise was painted by Jack Alexander, now an associate editor of *The Saturday Evening Post*, in a three-part profile in *The New Yorker* magazine in 1937:

> From the day he entered the department, certain things marked Hoover apart from scores of other young law clerks. He dressed better than most, and a bit on the dandyish side. He had an exceptional capacity for detail work, and he handled small chores with enthusiasm and thoroughness. He constantly sought new responsibilities to shoulder and welcomed chances to work overtime. When he was in conference with an official of his department, his manner was that of a young man who confidently expected to rise. His superiors were duly impressed, and so important did they consider his services that they persuaded him to spend the period of the World War at his desk.

Hoover was put in charge of a unit in the enemy alien registration section of the bureau. It was his first leg up — and an important one.

Postwar Troubles

With the end of the war came new troubles. The times, as is so often the case after the debacle of war, were marked by political and class upheavals on a world-wide scale. The Communist revolution in Russia, toppling the dynasty of the Czars, intensified the agitations of anarchists and radicals of every stripe.

The United States was not immune. Soapbox orators and pamphleteers were in their element. Labor, long downtrodden, especially in mining districts, began to flex its muscles. One of the most violent labor organizations the country has ever seen, the Industrial Workers of the World, popularly known as the IWW, had agitated against the war and the draft; its headquarters had been raided, its leaders jailed. But these actions by the government had not succeeded in stamping out the organization; indeed, if one may accept the prevalent belief of the time, they had served only to intensify the bitterness, the radicalism, the tendency to violence of some of the IWW's lower echelons.

Wave of Bombings

At any rate, a shocking series of bombings began in September, 1918, when a bomb exploded in the federal building in Chicago. Four persons were killed and many injured. The Bureau of Investigation, which had its district offices in the bombed building, promptly announced that the perpetrators were members of the IWW. As Max Lowenthal points out in his critical study, *The Federal Bureau of Investigation*, the timing from the IWW's standpoint, if indeed the IWW was responsible, couldn't have been worse. At the very moment the bomb went off, several IWW leaders were in the building, pleading with a federal judge for liberty under bail, pending decision on appeals they had taken to a higher court. The bomb blast effectively demolished their arguments and intensified public sentiment against the IWW. There was an intense manhunt for the bomb plotters, but the bureau, though it had instantly tagged the IWW with responsibility, never was able to solve the case.

In time, public sentiment simmered down, only to be revived with greater intensity in the spring of 1919 by another wave of bomb outrages. The new cycle started on April 28, 1919, when packages containing bombs began to turn up in the mails. The deadly missives were addressed

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to prominent business and political leaders. In all, twenty-nine bombs were mailed in the last days of April and the first days of May, but only one did any damage. This exploded in the home of Senator and Mrs. Thomas W. Hardwick, of Georgia, and injured a servant. The blast alerted postal inspectors to the new danger, and most of the other devices were intercepted before they could reach their destinations.

The novel terrorism by parcel post served, however, to make new and blacker newspaper headlines—headlines that were still fresh in the public consciousness when an even more dramatic wave of violence seemed to bring closer the specter of revolution.

The new outbreak came on the night of June 2, 1919. In Washington, at 11:15 P.M., a mighty explosion rocked and shattered a portion of the home of Attorney General A. Mitchell Palmer. The front of the house was blown in, the library wrecked, walls and ceilings cracked and windows splintered. Across R Street from the Palmer residence, a portion of a human body, evidently that of one of two dynamiters, fell on the doorstep of the home occupied by the then Assistant Secretary of the Navy, Franklin D. Roosevelt.

The Alarm Spreads

In seven other cities on that same June night, similar detonations touched off fast-spreading waves of alarm. Explosions startled the residents of Philadelphia, Pittsburgh, New York, Cleveland, Boston, Newtonville, Mass., and Paterson, N. J. At the scenes of many of the bombings, according to Don Whitehead in *The FBI Story*, detectives found handbills headed "Plain Words" and beginning:

> The powers that be make no secret of their will to stop here in America the world-wide spread of revolution. The powers that be must reckon that they will have to accept the fight they have provoked. A time has come when the social question's solution can be delayed no longer; class war is on, and cannot cease but with a complete victory for the international proletariat. . . .

The thirty-eight bombs mailed and planted in the May-June plots had for their intended victims three members of the Cabinet, four U. S. Senators, two Congressmen, two Governors and such eminent individuals as Supreme Court Justice Oliver Wendell Holmes and financiers John D. Rockefeller and J. P. Morgan. The almost instantaneous public reaction was that the bomb outrages, so foreign to American democratic traditions, were the work of alien extremists. *The New York Times* called the bombs "plainly of Bolshevik or IWW origin," and *The Times* and other papers urged vigorous government action to halt the calculated campaign of murder.

Advent of the FBI

Attorney General Palmer, whose own life had been jeopardized, wasn't at all loath to act. He reorganized the Bureau of Investigation, naming William J. Flynn, former chief of the Secret Service, as its director. He brought in Francis P. Garvan, of New York, as an Assistant Attorney General to take charge of investigations and prosecutions arising from the bomb plots, and he created a new General Intelligence Division to press the investigation of radical-terrorist elements. The division was to be responsible directly to Garvan and was headed by J. Edgar Hoover, who was made a Special Assistant to the Attorney General. The date of the formation of the GID and of Hoover's appointment to command it is important in the light of subsequent developments: it was August 1, 1919.

The time element is significant because controversy rages to this day about the extent of Hoover's responsibility for what followed. Hoover's new General Intelligence Division had two tasks—to make a study and analysis of radical organizations and radical theories, and to press the hunt for the bomb plotters to a successful conclusion. Whitehead's *The FBI Story*, published under the aegis of the FBI with a foreword by Hoover and bearing a replica of the FBI shield on a jacket sporting the colors of the American flag, conveys the impression that Hoover was immersed completely in the study of radical theories; but Lowenthal, in his critical analysis of the bureau, makes it clear by copious documentation from court records and the testimony taken later in Congressional hearings that the new director of the GID also played a vigorous role in the active, nation-wide hunt for the bomb plotters.

Hoover was at the time, of course, a new administrator directing the work of a new division within the bureau. He was subject to the orders of Garvan, the Attorney General's legal specialist in the radical-bomb plot hunts; to the orders of Flynn, the bureau's chief; and in the ultimate analysis, to those of Attorney General Palmer himself. This chain of command makes it difficult to pinpoint individual responsibility, but one thing is obvious from the record of Congressional hearings: Hoover, whether he initiated the bureau's moves or not, loyally defended them.

Report of the GID

One of these loyal defenses is to be found in a report on the activities of the GID, submitted to Congress on June 1, 1920, just two months short of a year following the division's founding. The occasion was the appearance of Attorney General Palmer and Hoover himself before the House Rules Committee to defend their activities. A large section

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of the report submitted by Palmer consists of what the GID said about itself. The GID described the efforts it had expended to track down the bomb plotters and devoted special attention to a defense of the methods used in trying to elicit information from an Italian immigrant printer named Andrea Salsedo.

The following account is taken from Lowenthal:

The Bureau of Investigation was not yet in possession of any lawful authority to make arrests; however, subsequent to the creation of Mr. Hoover's division, "Salsedo was brought," as the division's report put it, "to the Bureau of Investigation office at 15 Park Row, New York City, for interrogation." An office suite in this building had been rented by the bureau because the Federal Court building was conveniently close by. In these New York offices the detective agency provided requisite office space for some of its researchers and stenographers as well as a place where its anti-criminal detectives and its anti-radical informers could work.

End of an Agreement

There was an initial problem with respect to having Mr. Salsedo remain in the offices, as the bureau at the time lacked power to undertake the operation or management of any jail or prison premises, or to set up any such arrangements even in its own secret offices. The solution of this problem was stated in the report of the anti-radical division: "It was agreed Salsedo should remain in the office of the department at 15 Park Row. . . ."

The agreement was phrased so as to make its terms quite clear; according to the official version, Mr. Salsedo had agreed to be "held" by the Bureau of Investigation in its offices. Mr. Salsedo spent his days and nights there for some eight weeks. Criticism directed against the bureau, after the affair became known, for "the alleged detention" for that period of time, was groundless, said the report of the Hoover division, because Mr. Salsedo was "staying at the Park Row building" by his "own choice." Mr. Salsedo, the report recited, "was . . . given comfortable quarters at 15 Park Row" during his long stay. He was assigned "a clean room." He was "permitted to occupy . . . clean beds." He was "given ample opportunity to wash and bathe and change linen." He was "regularly fed." He was "taken out for exercise" by the G-men. All in all, he was "well treated," the report said.

The object of his sojourn, according to the report, was to furnish clues leading to the bombers. But it seemed to the G-men that the willing visitor was an unwilling provider of assistance "in the location of the bomb conspirators." Though Mr. Salsedo "voluntarily" stayed in his room for weeks, Bureau of Investigation detectives "were unable to gather further information voluntarily" from him. The official history flatly denied that the bureau ever pressed this "likely" source of information against his will: "He was never mistreated at any time and never was struck, intimidated, or threatened. . . ." The federal officers did, however, inform Mr. Salsedo that he was probably guilty of violating a state law by printing views which they regarded as subversive; they also told him that another government agency, the Department of Labor, was going to try to deport him from this country. But this was not done, the Hoover division report indicated, by way of intimidation or threat; rather, "the situation was . . . explained" to Mr. Salsedo by the federal police.

After eight weeks or more of this, according to the division's report, "Salsedo put an end to his part of the agreement by jumping from the fourteenth floor of the Park Row Building upon the street, committing suicide."

The Second Guest

This impetuous and inconsiderate act of the bureau's pampered star boarder caused an understandable embarrassment. After all, a man's body cannot splatter upon the pavement without reporters becoming mildly curious. The result, as *The New York Times* of May 4, 1920, recounted it, was that newsmen rushed to the scene, hurried to the fourteenth floor and began to badger the detective-hosts of Salsedo with questions.

This journalistic harassment of officialdom led to the discovery that a second guest was also enjoying the hospitality of the bureau. He was identified as Robert Elia, a gentleman who for "possibly six weeks" had been living the same secluded life that Salsedo had ultimately found insupportable. Evidently not wishing to have Elia tell newsmen directly about the joys of his stay, detectives quickly hustled him out of word-range and turned him over to the Immigration Service for possible deportation.

The GID's report on these events, as passed along to Congress by Palmer less than a month later, noted that the "principal source of information" about the bombings had been "now closed by virtue of the suicide of Salsedo," but it still held out "fairly substantial hopes that ultimately the plot will be solved." The nature of these hopes wasn't disclosed to Congress. The GID report, lapsing into the first person, simply told the Attorney General: "I will embody [them] in a separate memorandum for your confidential information."

Broad Street Massacre

Whatever the basis of these hopes, they were to prove chimerical. Some three months after they had been expressed, the bomb plotters delivered a thunderous answer, pulling off their final and most horrible coup. At 12:01 P.M., Sept. 16, 1920, a horse and wagon pulled up and stopped in Broad Street, New York City, opposite the entrance of the J. P. Morgan building. The driver secured the reins, climbed down and melted away in the noontime crowds. Minutes later, a bomb made of dynamite and cast-iron window weights exploded with an earth-shaking roar. Lethal particles of iron were sprayed across the densely-crowded street. Men and women were mowed down in windrows like soldiers struck by a charge of canister on a battlefield. Thirty were killed, three hundred injured.

This final atrocity, like the bomb plots that had preceded it, was never solved.

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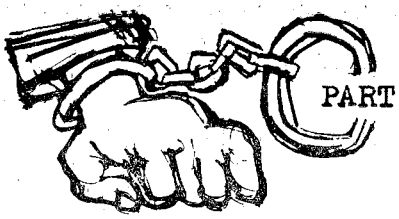

THE ANTI-RED RAIDS BEGIN

The frantic hunt for the bomb plotters led to excesses that even the extreme Neanderthals of our society prefer to forget rather than to justify. In the broad picture, the detention and suicide of Salsedo was only a minor incident. The events that stirred the American conscience to alarm, to resentment, to indignation were the so-called Palmer Red Raids of November, 1919, and January 2, 1920. In these, the bureau went back to the dragnet procedure that had brought such opprobrium in the wartime drive on slackers, but this time it committed the even greater offense of employing the cattle-like roundup of men for their possible beliefs and possible associations.

The raids were the outgrowth of an anti-alien agitation that had been brought to a climax by the recurrent waves of bomb violence. They came after months of intensive work by Hoover's Intelligence Division. The division, almost from the date of its inception, had begun a campaign of infiltration into radical societies; it had used informers on a broad scale and it had fastened eagerly on every scrap of gossip; it had confiscated literally tons of so-called radical literature and it had taken upon itself the tricky task of identifying and cataloguing just what was a radical idea and just who was a radical.

Official Silence

This is a part of the FBI story that one will not find in *The FBI Story*. One has to turn to Lowenthal for any adequate description of some of the techniques employed by Hoover, for even a hint about the more controversial activities of his division. Lowenthal writes:

> The Bureau of Investigation faced and solved one problem in the first ten days of the existence of Mr. Hoover's division, the problem of the kind of data detectives should send to headquarters. They were going to receive material from undercover informers, from neighbors, from personal enemies of the persons under investigation. The detectives were going to hear gossip about what people were said to have said or were suspected of having done — information derived, in some instances, from some unknown person who told the bureau's agents or informers or the latter's informants. Some of the information might relate to people's personal habits and life. The bureau's decision was that everything received by the special agents and informers should be reported to headquarters; the agents were specifically directed to send whatever reached them, "of every nature."

To gossip was added the more factual evidence of the printed word. The confiscation of radical literature went to almost fantastic lengths. The printing plants of so-called radical publishers were raided; private libraries and accumulations of anarchist and radical tracts were seized. Every inflammatory pamphlet that came into the possession of the bureau, from whatever source, was forwarded to Hoover's division for analysis. The books and pamphlets soon had to be weighed by the ton.

The speeches of radical orators swelled the tidal wave of data. Informers, agents, even stenographers covered meetings of suspected radical societies whose memberships were comprised largely of aliens. In some audiences with the GID sleuths were employees of private detective agencies serving anti-labor employers. This concentration of investigators sometimes produced a comic-opera situation in which, according to an estimate later made by one of the Senate's great leaders of the period, Burton K. Wheeler of Montana, the snoopers actually comprised 75 per cent of the "radical" audiences.

Another comic-opera development, with more serious overtones, involved one of the GID's star informants. This was a man named Ferdinand Petersen, and his double involvements are perhaps still of some significance in view of the FBI's continued enchantment with informers. Petersen, ostensibly, was so skilled as a master of intrigue that, all the time he was working for the GID, he was climbing to high rank in the hierarchy of the Communist Party. He eventually precipitated an intra-party crisis by informing the leadership that the party secretary was actually an informant for the bureau. Whether this was true isn't clear; the bureau naturally denied it. But the bureau did, it seems, give the activities of Petersen a closer scrutiny, and it made some unhappy discoveries. According to Lowenthal, it developed that Petersen had been giving "the Communist Party leadership a preview of every report he made to the Bureau of Investigation; and he relayed to that leadership facts which he had wormed out of the bureau about its espionage of the party. The bureau, saying that it had previously concluded that his reports to it were worthless, discharged him."

Detailed Studies

Correlating the information gathered from all these sources, Hoover personally composed detailed studies of the major radical organizations of the period, with special emphasis on the faction-riven Left that had embraced, in one form or another and with varying degrees of emphasis, the essentials of Communist ideology. He became convinced that communism was not just another political party but a revolutionary plot. Whitehead, in his laudatory work on the FBI, claims for Hoover the credit of recognizing at this early date the motif of violence in communism, the dictatorial dominance of Communist society by an inner core of leaders, and even the subservience of American Communists

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to the dictates of Russia. "Here was the most evil, monstrous conspiracy against man since time began—the conspiracy to shape the future of the world and to control the masses on the basis of cold, 'scientific' social formulas conceived in the brain of a few Communists," Whitehead writes, purporting to give Hoover's views at the time.

This treatment fosters the impression the FBI always conveys of Hoover's prescience and infallibility. What Whitehead does not say is that Hoover's division at the time was engaged in building up a fantastically-bloated picture of a great radical menace. Hoover's analysis of communism was part of it, but only part. The overall canvas — and this is a truth that has been conceded for nearly four decades—was so distorted that it lost virtually all contact with reality. Under the circumstances, the accuracy of the analysis of communism is something like finding one solid kernel in a moldy sack of wheat.

It's All in the Cards

To get some picture of what is involved, one has to understand the enormous energy that was expended in assembling a huge secret file of "radicals" in the United States. As Lowenthal points out, it is not clear just what standard of measurement was used in cataloguing ideas as radical ideas; for it is fairly obvious that one man's radical may be another's pale liberal and still another's near-conservative. In any event, Hoover, with his early training in the immense and intricate card-index system in the Library of Congress, established in the GID a similar card index to keep track of radicals. The first report of GID on the system showed that 100,000 radicals had made the card index; a few months later, there were 200,000; and a year later, more than 450,000.

With radicalism building so swiftly into a virtual army of nearly 500,000 members, it became necessary to single out for special attention the names that really mattered. Therefore, Lowenthal notes:

> Mr. Hoover directed his division to write biographies of the more important ones. The writing up of lives and careers proceeded rapidly, so that within three-and-one-half months of the GID's existence its biographical writers had written "a more or less complete history of over 60,000 radically-inclined individuals" according to the official information supplied to the Senate. Included were biographies of persons "showing any connection with an ultra-radical body or movement," in particular "authors, publishers, editors, etc." Rigorous secrecy has been imposed on the list of names of newspapermen, authors, printers, editors, and publishers who were made the subjects of the GID's biographical section. How many additional biographies have been written since the middle of November, 1919, who were the GID's first or later biographers, how they were trained so promptly and how they managed to write 60,000 biographies in 100 days — these questions have never been answered.

It is perhaps advisable to pause at this point and ask oneself a few reflective questions. Figures can always be used to build a menace if they are not properly and carefully compiled. Since this is so, just how accurate was the GID's enumerating of 60,000 radical leaders, its indexing of more than 450,000 names as the names of radicals? Were these really radicals or just persons who held different beliefs, unorthodox beliefs, that appeared radical to the compilers? Well, in his recent best-seller, *Masters of Deceit*, Hoover himself says that the Communist Party membership by 1922 had "reached" 12,400. Now, of course, there were in this period other radical groups —for example, the anarchists. One might expect, however, that the really radical, the really dangerous elements, ultimately would have found their way to communism. But Hoover's *Masters of Deceit* makes it clear that communism reached its high-water mark in America in 1944, when the population of the country was much larger, and even then, according to Hoover, the party numbered only 80,000 members. This is a far cry from the nearly half-million radicals Hoover's GID was actually indexing in 1920. Even adopting the Communist thesis, as Hoover likes to do, that there are ten sympathizers for every actual party member, the 1922 core of Communist-indoctrinated could have been multiplied to only 124,000. And this, remember, by guessing, by estimating—not by card indexing. Any way you analyze the figures, it seems apparent that the GID's enormous card-index file of radicals must have contained the names of thousands of solid citizens who could not be adjudged menaces to their country by any criterion of action, but only by the authoritarian judgment passed by uncharitable policemen about the thoughts their minds held.

The conflict between this judgment and reality became graphically obvious when the bureau implemented its ideological studies with action. Its failure to solve the riddle of the bomb plots was a motivating factor. Bureau spokesmen had reported repeatedly that they were making progress—sometimes "swift progress"—but the actual apprehension of the bomb planters eluded them. Congress and the press began to get restive. Senator Miles Poindexter, of Washington, introduced a resolution demanding an explanation for the Department of Justice's failure to arrest, to punish and to deport aliens who advocated the overthrow of the government by force and violence. So pressured, Attorney General Palmer acted. He ordered what came to be known with detestation as "Palmer's Red Raids."

1918 Sedition Law

The legal basis for the raids was a sedition law passed by Congress in October, 1918, a month before the end of World War I. This provided for the deportation of aliens who advocated undemocratic principles. The actual deportation machinery was handled by the Labor Department; the gathering of evidence and the arrests of those to be deported was the work of the Justice Department—and of the bureau.

The method adopted for the Red raids was the same dragnet procedure that had already brought the bureau into such disrepute in the draft roundups of 1918. The first target was a relatively small society known as the Federation of the Union of Russian Workers, whose offices in

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twelve cities were raided on the night of November 7, 1919. More than 250 members of the federation were seized, including the admittedly violent anarchists, Emma Goldman and Alexander Berkman. The government charged that Emma Goldman's inflammatory speeches had incited Leon Czolgosz to murder President William McKinley nearly twenty years before. Hoover prosecuted both Goldman and Berkman, and they, along with 247 other aliens seized in the first raids, were whisked out of the country aboard the transport Buford, dubbed by the press the "Soviet Ark," in the latter part of December, 1919.

Relatively little public reaction seems to have been aroused at the time by this first, limited raid. The trouble came when the bureau, perhaps emboldened by this initial success, ordered a massive roundup of suspected radicals in suspected Communist meeting places on the night of Friday, January 2, 1920.

Technique of the Dragnet

These raids later became the subject of exhaustive studies. A group of twelve lawyers and law school professors denounced them in May, 1920, in *A Report Upon the Illegal Practices of the United States Department of Justice.* Another denunciatory report was prepared by the Interworld Church Movement and published by the Federal Council of Churches of Christ in America. Evidence regarding the organization and conduct of the raids was brought out in deportation trials and in testimony before the House Rules Committee and the Senate Judiciary Committee, whose moving spirit was Senator Thomas J. Walsh of Montana. From all of these sources, this picture emerges:

The raids were planned and synchronized with the help of the GID's informers inside the alleged radical societies. The bureau's instructions to its special agents in the field, dated December 27, 1919, read:

> If possible, you should arrange with your undercover informants to have meetings of the Communist Party and the Communist Labor Party held on the night set. I have been informed by some of the Bureau officers that such arrangements will be made. This, of course, would facilitate the making of the arrests.

Disclosure of this order subsequently led to much heated debate over the role played by the bureau's informers. One was shown to have been the actual party leader of his district. Others obviously were influential in the councils of their respective groups; otherwise, they could hardly have made "arrangements" to suit the convenience of the bureau in making its arrests. The evidence would seem to indicate that the bureau was treading dangerously close to the vital border line that separates the legitimate agent from the *agent provocateur,* the investigator from the inciter leading sheep to entrapment.

When the trap was sprung, some 10,000 foreigners—by the later estimate of the Walsh committee—were swept up in the nation-wide dragnet. And it quickly became apparent that the experiences of the odious draft raids of 1918 were being repeated.

Some of those arrested were seized in the meeting halls; others were tracked down at their homes. One witness gave the Interworld Church Movement this description:

> I have lived long enough in Russia under the Czar. I have seen brutality committed there, but I have never seen the brutality that was committed on the Russian people here. In my case, when I was arrested, four men came into the room in the evening, when I was partly undressed, and was doing exercises in arithmetic, and asked my name and told me to go along with them. They showed me a badge, but did not tell me the reason for my arrest. When I left the house and at the time I was traveling in an automobile, they were beating me in the sides with their handcuffs, and this continued all the way until they brought me to the Park Row building in New York. In a room where they took me and asked me my name they were beating me again, without any explanation.

A woman among those nabbed at a Boston meeting described the tactics of the raiders in these words: "There was a man, a gentleman, and there comes some police in uniforms and they make every man 'hands

up.' So every man just stand like that (illustrating) and they fish all the pockets of the men; they don't fish my pockets—of course not—and they get to me, they look over the bag, but there was nothing in it because I don't buy anything yet. So they looked over the hall; they broke the platform, move every chair. . . . They put every man two by two handcuff. . . ."

The agents denied all charges of brutality. In affidavit after affidavit, they insisted that their decorum had been above reproach; that they had been, indeed, the perfect symbols of gentleness.

Whatever the truth about the manner of the raids, the effects are indisputable. Among those arrested were many citizens as well as aliens. Senator Walsh later reported that, of 1,000 seized in Detroit, about half were American citizens who never should have been disturbed. The wrongly-arrested included all gradations of innocence—and outrage.

Post-Raid Investigations

The various post-raid investigations seem to have established beyond dispute that many of those arrested had been lured to club rooms and meeting halls for purposes that had nothing to do with subversion. Many were foreigners, lonely in a strange land, who liked to meet others of their own race and sing native songs. Others were attending classes, trying to learn English and to study American history and civics. One court case involved a man who had been adjudged contaminated by the government agents because he frequented a clubroom in Lincoln, N. H. It developed that the club

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was maintained by the lumber company for which he worked and that its purpose was to encourage the firm's foreign-born employees to learn to read and write and to develop some skill with arithmetic. Even more embarrassing as a criterion of detective work was a raid in Lynn, Mass. There, thirty-nine men were rounded up. Only one turned out to be a Communist, and he was an American citizen, not subject to deportation. The thirty-nine had been meeting, the government's own investigation subsequently showed, not to plot the overthrow of the national authority, but to discuss the formation of a cooperative bakery. How on earth could skilled detectives, backed up by babbling informers, have mistaken a discussion about a cooperative bakery for subversion? The best explanation seems to be that offered by one bureau agent who testified that, after all, these foreigners were jabbering away in a strange tongue and he couldn't understand them. The supervisor who ordered the raid confessed sadly to the Senate committee: "It may be that the Lynn Communists were elsewhere that evening, while we expected that they would be at the meeting."

"These people were holding a meeting to discuss the formation of a cooperative bakery," Senator Walsh snapped. "Is there any controversy about that fact?"

"Not now."

Conflicting Reports

Such were the Palmer Red Raids. Walsh's committee later reported that some 10,000 were arrested; that, in some cities, as many as ninety-seven out of every 100 were picked up without warrants; that some 6,500 were released without prosecution; that the vast majority of those prosecuted were ultimately freed.

These figures contrast sharply with those cited by Whitehead in *The FBI Story*. He reports merely that some 3,000 warrants were issued, that 2,500 aliens were rounded up, that 446 were deported. This watered-down version is in irreconcilable conflict with the press accounts at the time and, even more importantly, with the detailed and official findings of the Walsh committee. The discrepancy is significant if one is trying to understand an FBI that has been placed upon a pedestal, its every statement accepted on faith, without investigation, without suspicion, without even a normal curiosity. The Whitehead version certainly whittles down the magnitude of the Red Raids blunder. It does more. Whitehead gives Hoover credit for his perspicacity on the Communist issue; he lets Attorney General Palmer take the blame for whatever went wrong. This is a technique that the FBI itself has followed in recent years whenever the unpleasant subject of the Red Raids is mentioned; it is a technique that says quite frankly that Palmer and former FBI Director Flynn were the culprits, that Hoover was completely blameless.

This modern approach of the FBI to past unpleasantness was perhaps most graphically illustrated in 1940 in an altercation between the agency and Mrs. Mary R. Beard, wife of the historian, Charles A. Beard, with whom she co-authored several best-selling histories. The background was this: Hoover's General Intelligence Division of the bureau had been abolished as punishment for its performance in the 1919-1920 debacle, but Hoover in 1940, as FBI director, announced that he was re-establishing the old system by re-creating, as a wartime measure, the anti-radical bureau and the secret-informer system. Liberals became alarmed at this resurrection of a specter from the past. Mrs. Beard, in a speech before a woman's club in Washington, D. C., criticized both Hoover and the FBI and expressed the fear that old excesses might be repeated.

Alexander Holtzoff, for years one of Hoover's closest assistants and then chief law adviser to the FBI, challenged Mrs. Beard's statements. An exchange of letters followed that stretched over several weeks.

"Mr. J. Edgar Hoover was not in charge of, and had nothing to do with, the manner in which the arrests were made of the so-called radicals under the administration of Attorney General A. Mitchell Palmer," Holtzoff wrote in one letter. "Mr. Hoover at that time was not connected with the Federal Bureau of Investigation but was a special assistant to the Attorney General. His function was at that time limited to the handling of legal matters and the preparation of evidence for presentation to the proper authorities in connection with those activities."

Mrs. Beard refused to accept the statement at face value. In a letter to Holtzoff, she pointed out that only five years previously, in 1935, the FBI's confidential reports had been made public by Attorney General Homer Cummings. These official documents reported that the GID had been organized in 1919 "under direct administrative supervision of J. Edgar Hoover" and that Hoover had been "since 1917 in charge of counter-radical activities as a Special Assistant to the Attorney General." Mrs. Beard wondered, in view of all this, in view of the fact that Holtzoff himself had not been in the bureau at the time, whether he had Hoover's "personal authority" for his statements. Holtzoff replied:

> My statement to you that he did not direct, supervise, participate in, or have any connection with the manner in which these dragnet raids were conducted was based on Mr. Hoover's personal authority to me. The arrests were made under the direction of William J. Flynn, then head of the Bureau of Investigation, who, together with Mr. Palmer, must be regarded as responsible for such excesses as took place. . . . He [Hoover] did not participate in ordering or carrying out the arrests.

Seven years later, Hoover himself in the *Look* Magazine picture book on the FBI denied that he had any responsibility for the raids. And in the same year, 1947, he told the New York *Herald Tribune:* "I deplored the manner in which the raids were executed then, and my position has remained unchanged."

What the Record Shows

With the issue thus placed in the proper perspective, it is instructive to look at what the actual record shows. The first point that seems clearly established is that Hoover played a dual role. He was a special assistant to the Attorney General; he did handle legal details of the prosecutions. But also he had been

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attached to the bureau since he joined the department in 1917, and he had headed the anti-radical division, renamed GID, from the moment it was created on August 1, 1919. More than this, as the records show beyond dispute, he played an active part in the pre-raid planning, and he was the man in actual charge in Washington headquarters on the night of the controversial January 2 raids. For example: In one celebrated deportation trial in Boston, the district immigration commissioner was on the stand, and the judge asked some probing questions to find out how the raids came to be born. The immigration official testified: "We had a conference in Washington in the Department of Labor with Mr. Hoover and another gentleman of the Department of Justice."

Hoover's active participation on the night of the January 2 raid was spelled out explicitly time and again in the orders transmitted to all branch bureaus by Assistant Director Frank Burke. The initial order, read into the record at the Walsh committee hearings, informed district agents:

> On the evening of the arrests, this office will be open the entire night, and I desire that you communicate by long distance to Mr. Hoover any matters of vital importance or interest which may arise during the course of the arrests . . . . I desire that the morning following the arrests you should forward to this office by special delivery, marked for the "Attention of Mr. Hoover," a complete list of the names of the persons arrested, with an indication of residence, or organization to which they belong, and whether or not they were included in the original list of warrants . . . . I desire also that the morning following the arrests that you communicate in detail by telegram "Attention of Mr. Hoover," the results of the arrests made, giving the total number of persons of each organization taken into custody, together with a statement of any interesting evidence secured.

This seems explicit enough. The Washington headquarters was to be open all night; the agents were to telephone Hoover there and report directly "any matters of vital importance." Subsequent reports were to be sent to Hoover; subsequent telegrams were to be sent to Hoover. Hoover and only Hoover was mentioned as the man to whom agents were to report their achievements. In final instructions sent just before midnight of December 31, 1919, Burke again emphasized Hoover's role. "Arrests should all be completed . . . by Saturday morning, January 3, 1920, and full reports reported by special delivery addressed attention Mr. Hoover," he notified the bureau's agents.

Throughout the long controversy, Hoover emerged again and again as a key figure. His disclaimer of responsibility in 1947, his revelation then that he "deplored" the manner in which the raids had been conducted, seems to clash with the impression of fervor for a cause that animated *The New York Times'* report of his attitude on January 27, 1920. Said *The Times:* "Deportation hearings and the shipment of the 'Reds' from this country will be pushed rapidly, Mr. Hoover declared. Second, third and as many other 'Soviet arks' as may be necessary will be made ready as the convictions proceed, he said, and actual deportations will not wait for the conclusion of all the cases."

Mr. Hoover's Role

The record of the Congressional hearings is replete with references to Hoover, with testimony by Hoover. When Attorney General Palmer went before the House Rules Committee and the Senate Judiciary Committee, his strong right hand on these journeys was Hoover.

On pages 35, 82 and 96 of the Senate Judiciary record, for example, one finds Palmer, unable to answer, turning to Hoover for help. On one occasion, the Attorney General protested, as had his predecessor at the time of the draft raids, that he had so much to do he could not possibly keep track of all the activities of the bureau. "It is obvious that I cannot have personal knowledge of all the facts with reference to the conduct of the large body of agents and subordinates of the Department of Justice," he said.

The Attorney General was questioned closely about the discussions between his department and the Labor Department over whether the Communist Party came under the proscriptions of the deportation statute. "Mr. Hoover was in charge of this in the Bureau of Investigation," he replied. "He is more familiar with the history of it than I am."

He Wanted Action

The Senate hearings developed evidence on several points that all dovetail into a picture of Hoover as pressing always for extreme action. For example, he argued with the Labor Department that, if a man's name appeared on a membership list, it was sufficient grounds for deportation; it should not be necessary, he insisted, for detectives to prove that the man actually knew and subscribed to the views of the organization. His position was that ". . . The fact remains that he is an alien and a member of an organization declared to be unlawful, and the same is sufficient grounds to warrant his deportation."

In the matter of bail, Hoover was also an extremist. Most of the aliens seized in the roundup were released in $500 bail until their cases could be disposed of, but testimony showed that Hoover fought strenuously in many cases for a $10,000 bond—an amount which meant, in effect, that the alien would rot in prison until his case was settled. An American Federation of Labor attorney told the Senate committee of one instance involving a man who was never even brought to trial, but who had been held originally in $10,000 bail. The application for reduction of bail, he said, "was vigorously opposed by Mr. Hoover." When the reduction was won, the man was re-arrested on a slightly different charge, and the Justice Department again battled for $10,000 bail.

Another panel in this portrait of extremism emerged from a letter Hoover wrote the Immigration Bureau of the Labor Department, asking it to refuse to free any prisoner in bail until he had agreed to answer questions put to him by detectives. Hoover argued that this was "of vital importance," stressed that it

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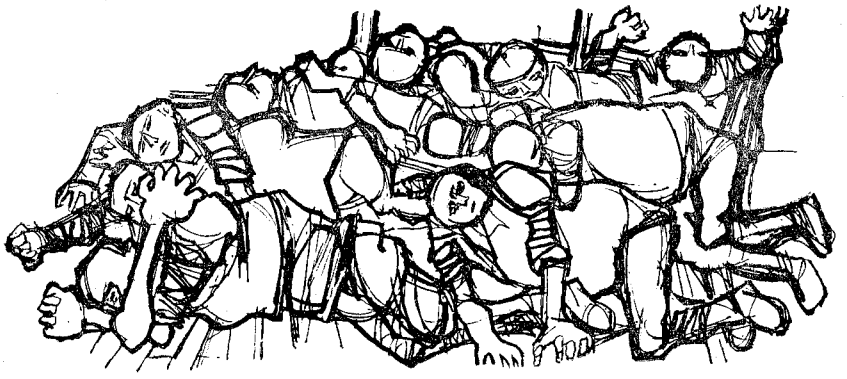
was necessary to get prisoners to talk, conceded that it would virtually defeat the ends of justice if prisoners couldn't be induced to give the information necessary for their own deportation. He opposed letting the prisoners talk to lawyers or communicate with anyone until they had submitted to questioning. This rule was, indeed, adopted. The bureau's raid orders to the branch offices stated that "persons taken into custody are not to be permitted to communicate with any outside person until after examination by this office and until permission is given by this office."

Attorney General Palmer was asked for an explanation of this order, which flouted the basic and vital principle that a man must not be threatened and coerced into testifying against himself, that he has a right at all times to the advice of counsel. Palmer protested: "At the time, I knew nothing about it. I never heard of it until long afterwards." Hoover was then asked to explain. He did. He said the stringent incommunicado rule had been adopted because subordinates in the Labor Department wanted it that way.

One further example should be sufficient to show that Hoover, throughout the course of this controversy, from the discussion that preceded the raids through the development of the Senate inquiry, played the active and dominant role that would be expected of the commander of the GID.

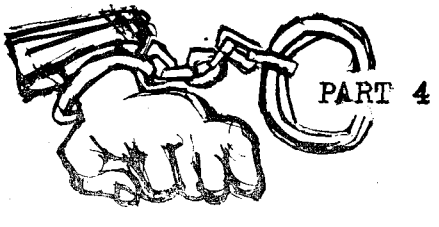


Detroit was the scene of one of the largest mass raids in the nation, and the inhuman treatment of prisoners there provoked expressions of outrage from the press, from leading citizens, from the Mayor and other officials. A letter from a Detroit lawyer, read before the Senate committee, charged:

> The space allotted to those arrested was not sufficient to even comfortably stand up. . . . The agents of the Department of Justice did not permit either an attorney or the wife or any relative to see the prisoners held. . . . At the Post Office building the aliens had to sleep on stone floors, there being no bedding or covers, nor any other of their natural needs.

Hoover promptly telegraphed Arthur L. Barkey, Detroit branch chief of the Bureau of Investigation, for an explanation of the charges. The answer, addressed "Attention Mr. Hoover," was submitted to the Senate committee. It insisted that the prisoners had been well-treated. The floor on which they slept wasn't stone, but wood, and the corridor in which they had been confined wasn't cramped, but really spacious, measuring "4,512 square feet, which allowed approximately 8 square feet for the occupancy of every alien held."

This prettied-up picture of conditions in Detroit received a rude jolt when W. O. Garred, assistant custodian of the building, testified before the Senate committee a couple of weeks later. The bureau's spacious 4,512 square-foot corridor shrank, according to a sketch that Garred offered, to 448 square feet. Into this restricted space, some 800 men had been packed. There was just one dim skylight opening on to the roof. There was only one toilet, and forty to fifty men were always on line, waiting. Some couldn't wait. "Before many days . . . the stench was quite unbearable in some parts of this corridor and room," Garred testified.



INDICTMENT OF A SENATOR

WHEN WARREN G. HARDING brought the hungry Ohio gang to Washington, the Bureau of Investigation, like the nation, was in for one of its blackest hours. Harry M. Daugherty, an old Ohio crony of the President, was named Attorney General. He quickly made changes in the bureau. Director Flynn was fired and replaced with the well-known private detective, William J. Burns, whose affiliations with big business made him much distrusted by labor. On the same day that Burns was appointed, August 22, 1921, Daugherty promoted J. Edgar Hoover to the No. 2 command post as Assistant Chief.

The Harding regime brought to Washington and the Department of Justice two other notorious figures. One was a mystery man with the common name of Jess Smith. He had no official status, yet he operated from a private office in the Department of Justice as if he partially owned the place. He lived with the Daughertys in the Wardman Park Hotel, was known as an intimate friend of Harding and quickly became accepted in Washington, where the channels of influence were a bread-and-butter topic, as the man

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to know when one wanted to get things done.

The tail to Jess Smith's kite was a big, flamboyant blusterer named Gaston B. Means. He came striding into the bureau as a full-fledged agent on October 28, 1921, a personal appointee of Burns. Never, probably, did an individual appointment typify more clearly the rottenness of a regime. Means had been a German agent in 1916; in 1917, he had escaped by the skin of his teeth on a murder charge involving the slaying of a wealthy North Carolina widow whom he had assiduously courted; and after he had been acquitted, he was named the defendant in a sensational court action attacking a forged will that he filed—a will that would have given him control of virtually the entire estate of the departed widow. This was the odoriferous past of the man whom Burns, without an apparent qualm, made a bureau agent.

Means and Jess Smith quickly became a team. The brash, swaggering Means constantly huddled with Smith, used Smith's office as if it were his very own and ignored the hierarchy of the rest of the bureau as if it were beneath him. "Means and Hoover clashed almost immediately," Whitehead writes in his book on the FBI. "Hoover asked Burns to order Means to stay out of his office. Hoover didn't like the man's spending habits or his morals." It is easy to believe that Hoover couldn't stomach the sight of a character like Means, but more than individual detestation of an obvious rogue was needed to put the bureau on an even keel.

A New Field: Labor

Hoover's GID was still functioning and still turning up Red scares, but in the absence of further violence the hysteria about the radical menace began to lose much of its steam. In 1922, the railroad shopmen, faced with a second serious wage cut, called a nation-wide strike, and the Harding Administration threw the agents of the bureau into a labor-spying, labor-suppression campaign. The agents expended a vast amount of effort trying to show that the railroad shopmen, who were worried only about the contents of their lunch pails, were in reality the disciples of Moscow. The attempt failed, but not the bureau's anti-labor efforts. It arrested and prosecuted some 1,200 trainmen on all kinds of criminal charges or, when these weren't possible, on contempt of court charges for violating federal court injunctions. The strike was broken.

During these same checkered Harding years, the Knights of the Ku Klux Klan, operating on a three-point platform as anti-Negro, anti-Catholic and anti-Jew, terrorized whole states and became, for a time, a national menace. Whitehead in *The FBI Story* credits Hoover directly and personally with taking the steps that put bureau agents on the trail of the Klan—an investigation that led to the eventual breakup of the white-sheeted order. The standard used in apportioning credit is the old, familiar one. Hoover had direct, personal contact with the good work of the bureau; he had nothing to do, though he was the No. 2 man and the head of GID, the bureau's most powerful division, with the witch hunts and the anti-labor campaign or the surveillance of members of Congress that was about to provide a new sensation. "Them other fellows" did all those things.

And Now Teapot Dome

The "other fellows" were busy indeed when the Teapot Dome scandal hoisted the Harding Administration on a black and smelly gusher. Briefly, the background was this: The Navy possessed huge oil reserves in California and Wyoming. Soon after taking office, Harding turned the administration of these reserves over to Interior Secretary Albert B. Fall. He, in turn, promptly signed a contract with private interests headed by Harry F. Sinclair and Edward L. Doheny permitting them to pump and store oil on a royalty basis—a neat little arrangement that, as was soon to be charged, gave the private oilmen almost carte blanche authority to loot the naval oil reserves. Shortly after this official and private meeting of minds, neighbors in New Mexico noted that Fall's ranch was undergoing an expensive face-lifting. Montana's Senator Walsh, in one of the most sensational Congressional probes in history, blew the lid off the Teapot Dome scandal; and Sinclair and Doheny, in language that seems to have been preserved in carbon-copy form to the present day, explained that they had simply "loaned" Fall some $135,000; Doheny, who put up $100,000 of the "loan," explained in language that Bernard Goldfine surely would understand that the money had been "simply an accommodation to an old friend."

The Teapot Dome disclosures rocked the country. No scandal since —not the Truman mink coats, not the Adams vicuna cloth—has created such upheaval. The Attorney General's office was squarely in the line of fire, zeroed in by Congressional artillery. Where, asked Congressional critics, had been the watchdog of Justice while the naval oil reserves were being looted? Had he been sleeping? Or had he blinked both eyes shut? The school of thought that favored the deliberate-blinking theory recalled that there had been charges of mishandling of funds in the Veterans Administration — and that nothing had been done about it; charges of graft in the Alien Property Custodian's office—and nothing had been done about it. Why?

It was a good question. Too good a question. A lot of people, it became apparent, didn't care to answer.

In the midst of the bursting and the brewing scandals, the mysterious Jess Smith committed suicide on May 30, 1923, leaving an estate estimated at some $500,000. Not long afterwards, on a trip to Alaska, President Harding became ill and died on August 2, 1923. Tight-mouthed Calvin Coolidge became President. "Silent Cal" was no reformer. He appears to have hoped that the nasty mess would all just go away if nobody said anything about it and gave it time; he appears to have tried to accomplish nothing quite so hard as to sit on the lid. One prime example of his lid-sitting

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was his retention of the Daugherty-Burns regime.

But the time had passed when the fires of scandal could be smothered. An aroused Senate was determined on an investigation. Republicans previously had fought off several efforts to probe Daugherty's department, but they could block inquiry no longer. Senator Smith W. Brookhart, of Iowa, and Senator Burton K. Wheeler, who had joined Walsh in the upper house in 1923, led the fight for Daugherty's scalp.

Hardly had Wheeler opened his mouth to attack the Attorney General before he found himself the victim of a smear campaign that seems distressingly familiar to dwellers in the era of the "Truman-Acheson-ADA conspiracy." Even as Hoover today lashes out at a Cyrus Eaton for living in a "pink dream world," so did the supporters of Daugherty in 1924 attempt to tar Senator Wheeler with the brush of Moscow-tainted radicalism.

The "Bolshie" Label

A graphic example of the technique is to be found in a dispatch from Washington to the New York *Telegram and Evening Mail* of February 23, 1924. "Senator Wheeler denies that he is 'socialistic' in his views," the article said, delicately getting across the implication. It cited partisan attacks made on Wheeler by some of the press in Montana because he had "publicly allied himself with the seditious and treasonable Non-Partisan League"; because as a federal attorney he had failed to prosecute some of the anarchists rounded up in the World War I hysteria; and because he had attacked both Attorney General Palmer and Daugherty for "their campaigns against the Communists." The haymaker was swung in these words: "Last summer Mr. Wheeler made a trip to Russia and later made a speech at Baltimore in which he advocated immediate recognition of Russia. . . . Altogether Wheeler is well-known here as a radical of radicals. Probably no man in Congress has such radical tendencies with the exception of Senator La Follette of Wisconsin."

Parenthetically, it is perhaps advisable to pause here and make an obeisance in the general direction of sanity. If any lesson is needed on the dangers of categorizing ideas, this is it. Senator Wheeler, this "radical of radicals" in 1924, was to become in a relatively short span of years quite the darling of the conservatives. They loved him when he helped lead the fight on Roosevelt's Court-packing plan in 1937; and when he balked at the third term, he was hailed as a great American patriot and Republicans even mumbled in their beards about the possibility of making him *their* candidate for the Presidency.

This eminently safe statesman of later years had not emerged from the chrysalis of the developing politician in 1924, however, and the Republican National Committee, taking up the theme first planted and tested in the press, tried to blacken any inquiry of Daugherty before it could get started by statements intimating that Wheeler was a dangerous American Bolshevik. The propaganda and the desperation that inspired it were transparently obvious. On March 1, 1924, the Senate authorized the investigation of the Department of Justice.

Lifting the Lid

Brookhart headed the committee, and Wheeler was the prosecutor. The probers instantly began to lift the lid on a mess that rivaled the mess of Teapot Dome. When they turned to the issue of certain fraudulent airplane contracts for which the contractors had never been prosecuted, they put on the witness stand a former bureau agent, H. L. Scaife. Scaife testified that, when investigators began to audit books, "It was apparent it [the investigation] was going to be blocked." He said that he was just getting into the heart of the airplane frauds case when "I had instructions to begin a bread investigation." This sidetracking of airplane frauds for bread brought a what-on-earth reaction from the committee. Scaife explained that he had dug up evidence indicating that the government had been bilked of about $25 million on bread contracts, and "I got instructions to go ahead with the bread investigation. I paid absolutely no attention to those instructions."

"Who gave you those instructions?"

"I think it was Mr. Hoover, of Mr. Burns's office."

The Senatorial probers had hardly started to pick at the morass in the Department of Justice when they learned a startling fact: they were themselves being investigated. The powers of the Bureau of Investigation were being turned against Congress itself. Senators' offices were being raided, their mail opened and searched, their servants questioned. Outraged, the Senators summoned Means to the witness stand.

Means Tells All

Always one to preen himself in the spotlight, Means told all. Sure, he said, he had spied on the Senators — investigated them just like any ordinary criminals. He had delivered the reports on what he learned to the by-now conveniently dead Jess Smith. Means described his methods in these words:

> Oh, you search his—find out all the mail that comes in, all the papers, anything that he has got lying around. Find out in his home. Just like you would take—the same principle that you pursue, Senator, when you make a criminal investigation. There is a servant working in this house. If she is a colored servant, go and get a colored detective woman to entertain her, find out the exact plan of the house, everything they discuss at the table, the family, write it down, make a report. And any information you find that is—report what you find . . . and then if it is damaging, why of course it is used. . . .

While Means wasn't the kind of man to whom one would give an award for veracity, his testimony was substantiated in vital respects by former agents who had taken part in the official spying. Just how many members of Congress were investigated never was determined. Many of the agents who testified only knew bits and pieces of the story, and those who were still in service in the bureau naturally were reluctant to speak out. Despite these handicaps, the Brookhart-

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Wheeler committee developed a picture of police spying upon the freely-elected representatives of the people that remains one of the most shocking examples of the abuse of police power in the history of American democracy.

The picture that the Senators pieced together was later described in speeches they made to their colleagues. This was the way Senator Thomas H. Heflin, of Alabama, put it: "These detectives went through the office of the Senator from Arkansas and they read his correspondence; they went through the office of the Senator from Wisconsin [the senior Bob La Follette]; and God only knows how many other offices they went through." Senator Henry F. Ashurst, a member of the investigating committee, added some other details: "Illegal plots, counterplots, espionage, decoys, dictographs, thousand-dollar bills and the exploring of Senators' offices come and go in the pages of this testimony; and these devices, these plots, counterplots, spies, thousand-dollar bills, and ubiquitous detectives were not employed . . . to detect and prosecute crime, but were frequently employed to shield profiteers, bribe takers and favorites."

With this scandal in the Justice Department adding its reek to the noisome mess of Teapot Dome, even "Silent Cal" finally had enough. On March 28, 1924, he demanded Daugherty's resignation. And on April 2, he appointed Harlan Fiske Stone, later to be Chief Justice of the Supreme Court, as his new Attorney General.

Stone had hardly had a chance to seat himself in the Attorney General's chair when a new sensation erupted. On April 8, a federal grand jury in Montana indicted Senator Wheeler on a charge of violating a federal statute by using his office to get oil and gas leases for Gordon Campbell, a loud-talking Montana prospector who bragged that he had discovered the first oil well in the state. The action was instantly pictured as the Justice Department's revenge upon the Senator who was investigating the Justice Department.

Verdict of Posterity

This, indeed, has been pretty much the verdict of posterity. Alpheus Thomas Mason, in his monumental life of Stone, gives an inside view of the plot against Wheeler, obtained in 1951 from Mrs. Mabel Walker Willebrandt, an assistant in the department during the Daugherty regime. "I think there is not the slightest doubt that Daugherty broke the Wheeler case prematurely in order to *discredit* Wheeler in his charges against Daugherty and Harding," Mrs. Willebrandt wrote Mason. She added that, when rumor reported Wheeler was about to "blow the lid off" the administration, "Daugherty came to the Department, summoned Burns and other political appointees to bring an indictment against Wheeler *before* Wheeler brought his whispered charges out in the open."

Wheeler carried his case immediately to the Senate. He demanded an investigation of his conduct and appealed to the Senate "to put a stop to this spy system, to put a stop to this 'framing' of every man." Wheeler's fellow Senators voted the inquiry, and on April 11, 1924, Burns was called to the witness stand before the Brookhart Committee. The bureau director was in an unenviable spot. Daugherty, his departed boss, had already laid down the line that should be followed. He had declared publicly that the Department of Justice had had nothing to do with obtaining the evidence that led to the Wheeler indictment. It was a flat statement, at complete variance with the truth, that Burns simply could not support on the witness stand under oath.

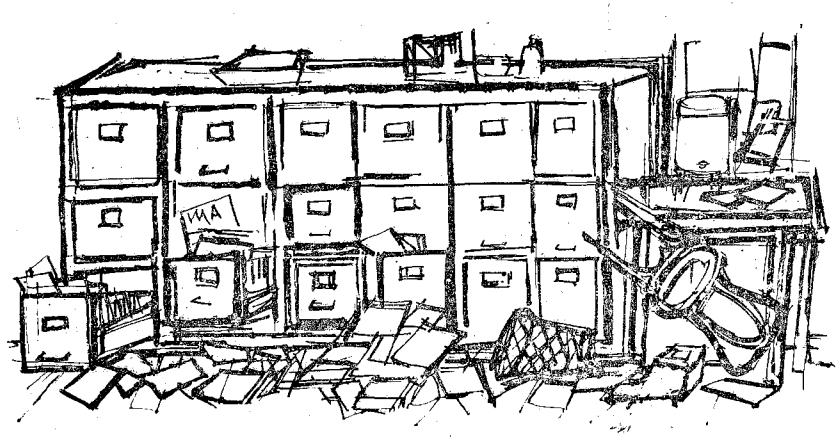
Under a hammering cross fire of questions, Burns admitted that he had sent three bureau agents into Montana to build the case against Wheeler; admitted that he had reported directly to Daugherty and had told Daugherty that the agents had discovered Wheeler had received a $10,000 legal retainer from Campbell; admitted that the investigation of Wheeler had started after Wheeler had started his investigation of Daugherty. "Mr. Burns's face was ashen as he made the admissions," *The New York Times* reported.

Talk Was Indiscreet

The committee received additional testimony about the plot against Wheeler from W. O. Duckstein, private secretary to Edward M. McLean, then publisher of the Washington *Post*. Duckstein testified that two men who identified themselves as bureau agents had told him, in advance of the event, that they were out to "frame" Wheeler. The agents had added that they were being sent into the home states of other Senators, that "they were looking into the records of the members of the committee, watching them all," Duckstein testified.

One member of the committee commented that he thought "the less attention we pay to it the better," but Chairman Brookhart disagreed: "Well, I do not think so, Senator. I think it is time to find out what this government by blackmail is; that it is an important thing to know and investigate."

With the Senate committee exposing the manner in which the Attorney General's office had been run,



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the deposed Daugherty found it impossible to practice the discretion of silence. In a speech at Columbus, Ohio, on April 23, 1924, he charged that he was the victim of a Soviet-inspired plot. He noted that the Brookhart-Wheeler committee had asked him for the confidential files of the Bureau of Investigation. Daugherty, exhibiting the tender regard for these files that has been demonstrated almost every time the topic is mentioned, declared that he had refused to open the files, he had resigned first, because the files "contained abundant proof of the plans, purpose and hellish designs of the Communist Internationale." One might have thought that it would have been a good idea to bring these hellish plans out into the broad light of day, but not Daugherty. He preferred to tell his listeners about what those secret files contained. "I would sound a warning note to every American *tonight*," he thundered. "The enemy is at the gate. He aims at nothing short of the overthrow of the institutions which are your protection and mine against tyranny. . . ."

By this time, the former Attorney General was so discredited that much more than a phony Red scare was needed to refurbish him. Events marched swiftly.

Acting Director at 29

Attorney General Stone, thoroughly disenchanted with the performance of Burns, ousted him on May 9, 1924. In anticipation of the move, he had already been looking for a successor. Hoover's energy and evident ability, as described so well in Jack Alexander's later profile, quite evidently had impressed Stone. The Attorney General asked Mrs. Willebrandt about Hoover. She told him that she "regarded Hoover as honest and informed and one who operated like an electric wire, with almost trigger response." This recommendation and others convinced Stone, and on May 10, 1924, he called in Hoover, then only twenty-nine, and made him Acting Director of the bureau.

Just five days later, the Senate by a vote of 55 to 5 exonerated Wheeler. The pressure on Stone to drop the criminal action in Montana now became intense.

The new Attorney General was a great respecter, a stickler almost, for the forms of the law. An indictment was an indictment, and he refused to kill the Wheeler indictment out of hand. He ordered a new investigation. The crux of the case against Wheeler was that, after he had been elected to the Senate but before he had taken his seat, he had been added by Campbell to the oil man's staff of lawyers at a $10,000 retainer fee. Wheeler had made no bones about this; he had openly handled legal matters for Campbell in Montana. But he insisted that he had never compromised his position by appearing for Campbell before federal agencies. Stone's investigation turned up evidence indicating, however, that Wheeler had made at least one inquiry at the Interior Department about oil and gas leases, and Stone determined to have the Wheeler case submitted again to a federal grand jury in Washington.

The Trial Opens

There were other indications that, while Stone had brought a clean breath of air to the Department of Justice, he was no crusader. Pretty obviously, one of his main objectives was to inter the immediate past as rapidly and quietly as possible. The Brookhart-Wheeler committee, though it was treated with great politeness by Stone, had no better luck with him than it had had with Daugherty in getting access to the bureau's investigative files. And on one occasion, when a woman employee of the bureau testified before the committee (as she was forced to do under threat of contempt), the outcome was surprising. Samuel Hopkins Adams, noted New York *Sun* reporter and later a famous magazine editor and novelist, told of it in a book he wrote on the Harding era. "The next day," Adams wrote, "she [the woman witness] received a letter from J. Edgar Hoover, Acting Director of the Bureau, peremptorily demanding her resignation. . . ."

Other signs that perhaps the immediate past wasn't quite as dead as supposed were seen when the trial of Wheeler opened in Great Falls, Montana, on April 14, 1925. *The New York Times* reported that Department of Justice agents had swarmed into the city in unprecedented numbers. *The Times* added that it had learned "from reputable sources" that the agents were trying "to work up a case" against Senator Walsh, the prosecutor of Teapot Dome and the counsel for Wheeler. If such were ever the intent, Walsh scuttled it. His defense of Wheeler was so brilliant that the Montana jury took just ten minutes to vote acquittal.

The verdict is its own epitaph to the Daugherty-Burns era in the Department of Justice and the Bureau of Investigation. These old scandals, aside from their historic interest, are of significance now chiefly to those trying to reach some balanced understanding of the FBI, the power it wields, the danger — real or potential — that it may represent. While the new FBI of J. Edgar Hoover operates on a different plane than the unprincipled department of Burns, a riddle is still posed by the fact that Hoover himself held such high rank in a regime so thoroughly discredited. His position as assistant chief or, as Mason puts it, "Burns's secretary and executive assistant," put him squarely in the center of the hatching villainies, and a question still asked by skeptics is how a man of absolute virtue could have stomached the situation.

Who Was Responsible?

The answer, as it is given in *The FBI Story,* is that Hoover simply had no way of knowing much that went on. Whitehead writes that department records show the agents employed in the Wheeler case were reporting directly to John S. Pratt, Special Assistant to the Attorney General. He quotes a letter Hoover wrote in 1928 as good documentary proof. In this, Hoover said that, when he took charge of the bureau, he found that agents and accountants working on the Wheeler case had been "detached" from the bureau and assigned to Pratt, and that

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he didn't even know where they were or what they were doing until, after several months of effort, he managed to get an order issued letting him know at least where the men were. "I did not even then assume direction of their investigative work nor see any of their reports nor know what they were doing," he wrote.

The other side of the issue was expressed by Senator Wheeler himself. He later came to respect and admire Stone, but it is obvious that he never quite forgave Hoover. Of Stone, Wheeler wrote to Mason in 1950: "He and I afterwards became very good friends. I think he was an honest, honorable, and able man, and I believe that the only way you can account for the handling of the case against me after he became Attorney General was that he was lied to by the people in the Department." Wheeler's attitude toward Hoover, by contrast, was illustrated in a speech he made in the Senate in 1940 in which he pictured Hoover as a constant spectator, something of a hovering omnipresent force, during the Brookhart-Wheeler probe of the Daugherty regime:

> When I came to Washington and began the investigation of the Department of Justice, Mr. Hoover was present at the investigation and hearings, and sat through them during the time the charges against Mr. Daugherty were being heard. Agents of the Department raided my offices; they broke into my offices . . . they stationed men at my house, surrounded my house, watched persons who went in and came out, constantly shadowed me, shadowed my house, and shadowed my wife. . . . During all that time there were in the Department of Justice . . . Burns and Mr. Hoover.

Misgivings Voiced

Muted footnotes to the entire critical question of the potential power of the FBI over Congress have been written from time to time in the decades since the Brookhart-Wheeler investigation. These footnotes fall largely into the category of rumor and speculation because there has never been another Congressional probe of the Department of Justice, and so there is no possibility of proof. But many individuals intimate with the intricacies of Washington life insist it is no secret that the FBI has amassed in its very private and confidential files detailed dossiers of information about everyone who really matters. Hints of this sometimes creep into the press, though less frequently in these days of beautiful Republican rapport than in the old days when "that man" was menacing our democratic institutions. Still, *The New York Times*, in a special article from Washington on May 30, 1948, did turn a spotlight on the theme:

> Mr. Hoover's vast repository of information is viewed with misgivings by some people who view it as a power potential that is subject to grave abuse. Might not these files give their possessor power even over Congress? Conceivably they could. People have been intrigued by the idea, but so far they have had to rely on their imagination.

Eye at the Keyhole

In more vitriolic vein, during the angry Congressional growling about the possibility of an investigation in 1940, Westbrook Pegler, not exactly a disciple of Moscow, attacked the problem in one of his daily columns:

> It [the proposed investigation] would shock most of us, but it would subdue our inquisitiveness because it would smear so many of us. The FBI has more dirt on more Americans, including Senators, Representatives, labor leaders, Governors, Mayors and members of some of the political families of the New Deal Government, than the foulest whelp of an open-air grand jury bred to a professional blackmailer of the press, radio and screen could reefer up in a thousand and one nights under the goofy spell of the toxic weed. . . .
>
> The files of the FBI in Washington contain legal proof of perfidy by hundreds of thousands of Americans. . . . The files . . . include not merely confirmed criminal data but a vast amount of background on individuals who have never formally been accused of any crime. . . .
>
> The FBI cooperates with police departments which tap wires of family telephones and even, in one incredible case of which I am, nevertheless, positively aware, took photograph records and moving pictures, on suspicion, of conversations and scenes within the bedroom of husband and wife. That happened in Los Angeles. And how do you like that? . . . The FBI is the greatest deposit of personal dirt ever amassed, and it is an even question whether the forces of law and order would lose more or personal liberty and privilege would gain more by the total destruction of its files, including contributions from the military departments and the Treasury.

This dread contingency, of course, will never come to pass. Nobody is ever going to suggest that the FBI files be either opened or destroyed. The lack of even the most remote possibility of this is vividly demonstrated every time Director Hoover and Congressional committees stage a beautiful meeting of minds on Capitol Hill. The occasion is usually Hoover's annual appearance before Congressional appropriations committees, and Hoover is almost always introduced with a verbal flourish. In 1947, for example, the House chairman addressed these words to Hoover:

> You are a splendid American citizen. Your devotion to things worthwhile would be a very difficult matter to estimate. You are not only feared, you are greatly respected. You know, the other day I was reading a little article which said, "It is nice to have money and the things that money can buy, but it is very necessary that we check up on ourselves from time to time so that we do not lose the things that money cannot buy." I think that fits your life wonderfully, Mr. Hoover.

After such laudatory prefaces, Hoover hardly ever fails to get all the money he asks for from Congress. In fact, Congressional committees frequently lean over backwards and ask him whether he is sure he has asked for enough; wouldn't he like to have some more? As *The New York Times* noted in its 1948 article: "Two years ago, the FBI budget estimate was $28,700,000. Congress raised it to $31,600,000. This year the estimate is $43 million. Both the House and Senate have voted Mr. Hoover's organization every last cent of the budget request — a rare thing indeed these days in Washington."

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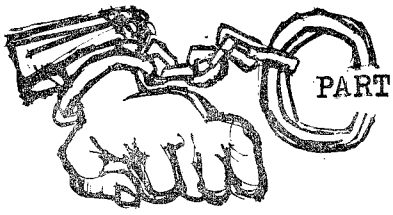

THE MAKING OF A NAME

ONLY A FEW months after Franklin D. Roosevelt introduced the New Deal in the spring of 1933, a newspaper article referred to the Bureau of Investigation as a department "little known . . . to the general public." Despite the bureau's quarter-century of life, despite the sensational controversies in which it had been involved, the description was an accurate one. For the bureau had made no impact on the public consciousness. Few persons outside official circles knew much about it; fewer still had any idea that it was to become, within a few short months, a household word invested with the trappings of glamour.

Probably the major reason that so little was known publicly in 1933 about the organization was that its more controversial activities had been eliminated and its functions severely curtailed by Stone. For nine years, it had confined itself to the relatively limited field of federal law violations that then fell within its jurisdiction; it had had no opportunity to indulge in the dramatic forays against desperadoes and kidnapers that soon were to catapult its name into eight-column headlines.

To understand the drama of the leap from obscurity to fame, one has to understand the reforms that Stone instituted.

When the new Attorney General called Hoover before him on May 10, 1924, and made him Acting Director of the bureau, a conversation is supposed to have taken place that was to have far-reaching effects. As Hoover tells it in *The FBI Story* and Mason's life of Stone, he told the Attorney General he would take the job only "on certain conditions."

"What are they?" Stone demanded.

"The bureau must be divorced from politics and not be a catch-all for political hacks," Hoover replied. "Appointments must be based on merit. Second, promotions will be made on proved ability and the bureau will be responsible only to the Attorney General."

"Young man," Stone said gruffly, "I wouldn't let you take the job under any other circumstances."

Three days later, on May 13, Stone laid down the rules that were to govern the bureau's future activities in a six-point memorandum to Hoover. His first decree, in effect, wielded the axe on Hoover's General Intelligence Division. Stone couched the order in these words: "The activities of the bureau are to be limited strictly to investigations of violation of law, under my direction or under the direction of an Assistant Attorney General regularly conducting the work of the Department of Justice."

Hoover, himself, appearing before the Brookhart-Wheeler committee on May 15, assured the Senators that this order meant exactly what it seemed to mean. He acknowledged that, prior to World War I, the bureau's "functions were limited to investigating all the violations of federal statutes and seeking evidence," and he added that "there has just been a circular issued restricting their activities to that particular function."

Program for a Purge

Stone's other prescriptions for the purification of the bureau dealt, in various ways, with the character of agents to be employed. He directed Hoover to clean out "the incompetent and unreliable"; to abolish the practice of employing politically-motivated "dollar-a-year" men; and to submit the names of all new appointees directly to the Attorney General for approval. In making new appointments, preference was to be given "to men who have had some legal training."

Within this framework, Hoover —"The electric wire with trigger response" whom Mrs. Willebrandt had recommended to Stone — began a vigorous house-cleaning. A career man himself, he detested venal political influence, and he was as anxious as Stone to rid himself and the organization that was now his of the pressures that had so badly corrupted it in the past. Whitehead documents the changes that Hoover effected with copious quotes from orders, letters and memoranda of the period. Whitehead writes:

> He [Hoover] began issuing a rapid-fire series of orders to agents, who were startled by the sudden and unexpected burst of attention from Washington. The bureau records indicate that many agents dismissed the whole thing as a passing flurry — they were confident that if they sat around long enough, it would go away, and that if it didn't they could always write their Senator or Congressman. Other agents expressed delight, because they glimpsed the hope of an organization of which they could be proud. . . .
>
> Again and again, in letters and instructions to special agents, Hoover hammered on a central theme: "This bureau is to operate solely upon the basis of efficiency. Influence, political or otherwise, will not be tolerated and any agent or employee of this bureau resorting to same will be disciplined."

Whitehead and Mason both tell the story of an early and dramatic test of the no-politics rule. Hoover had transferred an agent who, he felt, had been too active in politics, to a post in the Southwest far removed from the malign influences of his native locale. Almost immediately, a Senator came rumbling into Hoover's office, demanding that the agent be brought home because the Senator needed him to help in a re-election campaign. Hoover was polite, but adamant. The sequel is described this way by Whitehead:

> "I'll take this up with the Attorney General," the Senator snorted.

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Fifteen minutes later Hoover was summoned to Stone's office. Stone peered over his glasses. "Hoover, what are the facts in this case?"

Hoover explained the situation.

"I think you are not on entirely sound grounds," Stone said.

Hoover later recalled that he braced himself and the thought flashed through his head: "Well, here's where you resign."

Stone added: "I'm surprised you didn't fire the fellow at once."

Remolding the FBI

Such experiences, repeated in infinite variations but with the same invariable result, remolded the bureau. While no organization is perfect and the FBI has had its bad apples, most of those who have had personal contact with the bureau will agree that its agents are men of character. They develop a morale and an *esprit de corps* that exalts the bureau in their minds so that often, years after a man has left, he looks back upon his period of service as the proudest of his life and he speaks of the organization itself in tones that italicize the mere mention of its name. To such men, it is inconceivable that the bureau ever could do wrong. Of course, disciples are not the clearest-eyed of critics, and almost all policemen, unfortunately, develop a tendency to feel that they always arrest the right man, even when the courts through some fluke of the law and lawyers' magic, let him get away. When these reservations have all been stated, however, the hard fact remains: Hoover's ability to inspire such a healthy, even at times exalted, spirit among the men who serve under him is certainly a striking personal achievement.

It was an accomplishment that took place during those relatively quiet years from 1924 to 1933, when the bureau's activities were limited in scope. And when the New Deal came to Washington, the rebuilt and revitalized organization was ready to meet the challenges of a new era.

The evils of the times were far-reaching. They flowed in part from Prohibition; in part, from the hardships of the Great Depression. It is probably conservative to say that no more disastrous law was ever passed by a great nation than America's Prohibition Act. It bred cancers that endure to this day; it laid the foundation that, to the nation's shame, was to make crime one of the nation's largest enterprises. Of course, crime has always been a social problem, but the individual crimes, the rowdy city gangs of pre-Prohibition days, were kindergarten stuff compared to the modern national Syndicate, bankrolled by illicit millions, possessed of its own enforcement arm, allotting territories and spheres of influence, decreeing life and death through its own tribunals—in a word, governing that other and secret and illegal life of America even as the national government governs on the surface. This entire development, then by no means fully apparent, was the outgrowth of an unpopular law that it became popular to flout. In the flouting, fantastic revenues poured into the laps of gangdom. Official life on every level became corrupted. Every town of any size had its speakeasies; the identities of the chief bootleggers were items of common knowledge; and the immunity of both speakeasies and bootleggers to the law meant simply one thing — that law-enforcement officials in virtually every echelon, from the flatfoot on the beat to the district attorney in his plush office, were on the payroll of the mob.

The Kidnaping Era

With the hard times of the depression years came new violence, like a twin partner to corruption. Desperate gunmen held up banks, committed bold robberies at gunpoint and shot their way out of trouble. A relatively new and heinous crime was born . . . kidnaping. On March 1, 1932, when Charles Augustus Lindbergh, Jr., was spirited from his crib in the family home in Hopewell, in New Jersey's brooding Sourland Mountains, national horror, national outrage, reached a peak. Since law enforcement on the local level had brought itself into such disrepute, it was inevitable that public opinion, searching for a solution, should turn to a national police force beyond the reach of the petty bribe and petty politician.

Actually, there is some indication that the pressures of the times coincided with the long-held desires of powerful interests. William Seagle, in an article, "The American National Police," in *Harper's* of November, 1934, gave a picture of the behind-the-scenes influences that long had been attempting to channel public sentiment in the direction of a national police force. Seagle wrote:

> The story of the drive for federal crime control centers in the activities of an organization known as the National Crime Commission which was organized in 1925. The N.C.C. must not be confused with the later Wickersham Commission. It owed its existence not to governmental initiative but to a gentleman by the name of Mark O. Prentiss, who had had the singular privilege of accompanying Mussolini in his march on Rome, and who naturally became an admirer of the methods of the dictator. Incidentally, Prentiss believed that a majority of crimes of violence were committed by aliens. Prentiss interested the late Judge Gary of the United States Steel Corporation in the formation of a small national association of prominent men for the purpose of combating crime. The N.C.C. was organized at a meeting held in the directors' room of the United States Steel Corporation. The first executive committee consisted of several prominent captains of industry, two brigadier generals, several educators, and a number of nationally prominent statesmen. The chairmanship was offered to Richard Washburn Child, who had been American Ambassador to Italy, and who in this capacity had struck up a firm friendship with Mussolini, coming to believe that there was more democracy in Italy than in the United States.
>
> From the very first the Commission championed "vigorous measures." It definitely supported the treat-'em-rough school of penology. . . . A member of the executive committee of N.C.C. and an enthusiastic supporter of its program of national attack upon the crime problem was then a comparatively obscure state governor by the name of Franklin Delano Roosevelt who within a few years was to become the thirty-second President of the United States.

Even before Roosevelt took office, the Lindbergh kidnaping had

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spurred the first significant extension of federal police powers. In the closing days of Herbert Hoover's administration, a law was passed making kidnaping a federal crime. More sweeping powers followed. Soon after Roosevelt came to power, he jammed through Congress a series of bills that gave the federal government, for the first time, jurisdiction in fields that previously had been considered the responsibility of the states. Bank robbery, extortion, racketeering, murder or assault committed against federal officials — these became now the prerogatives of federal investigators. Even more drastic was an act that could be extended to include all kinds of crimes — one that made it a federal offense for a person to flee from one state to another to avoid prosecution or to avoid giving testimony. The agency that fell heir to these new fields was J. Edgar Hoover's "little known" FBI.

Promising Partnership

Fortune was smiling, and Hoover was not the man to be impervious to her smiles. Not only did he possess vastly increased powers, he had too an Attorney General whose ideas meshed almost perfectly with his own. Senator Walsh, the hero of the Teapot Dome exposé, had been slated to head the Department of Justice, but he had died suddenly of a heart attack before he could take office. Homer Cummings was Roosevelt's next choice, and Cummings, all the available evidence indicates, envisioned himself in the grand role of a general leading an army of the law against the legions of evil. "We are now engaged," he proclaimed on one occasion to the Daughters of the American Revolution, "in a war that threatens the safety of our country — a war against the organized forces of crime."

The public, long fed up with the corruption and lawlessness spawned by the Prohibition Era, hailed the new approach and cheered on the crime fighters. In swift succession, in the frenetic months of 1933 and 1934, a rapid-fire series of sensational headline cases treated Americans to a fascinating spectacle — the invariable triumph of the law. The nation took J. Edgar Hoover and the FBI to its heart.

The barest summary of some of these crime dramas is sufficient to explain the sudden hero worship.

First, of course, there was the Lindbergh case. When the 20-month-old son of the nation's No. 1 hero of the new air age was spirited down a ladder from the window of his nursery in Hopewell, a crudely-composed note demanding $50,000 ransom was left behind. Dr. John F. (Jafsie) Condon, a retired pedagogue, acting as an intermediary for the Lindberghs, established contact with the kidnaper, identified only as "John," and actually paid the ransom money. But the kidnaped baby was not freed; weeks later, he was found buried in a shallow grave near Hopewell, and the evidence indicated he had been callously murdered minutes after he was kidnaped. The fiendishness of the crime spurred a nation-wide manhunt. The FBI joined in. For months, detectives got nowhere, but on September 15, 1934, Bruno Richard Hauptmann drove up to a gas station in the Bronx and cashed one

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of the ransom bills. The case was broken, and Hauptmann's arrest, conviction and execution followed.

There was considerable quarreling over the apportionment of credit in the Lindbergh case, but the public had been conditioned already to believe that, if the FBI was in a case, the FBI was the agency that solved it. One of the factors in this conditioning was a sensational Oklahoma City kidnaping that did indeed reveal the FBI at the top of its form.

The Thundering Clue

On the night of July 23, 1933, Charles F. Urschel, a wealthy oilman, was kidnaped at gunpoint from his home. Hoover, who had set up a special kidnap line to carry complaints directly to FBI headquarters in Washington, was informed of the crime minutes after it happened. From his home, he issued orders that sent a large force of agents converging on Oklahoma City. In the days that followed, a $200,000 ransom was paid for Urschel, and the captive was released. FBI agents questioned him and obtained a remarkably detailed account of his experiences while he had been held prisoner. There were no clear, direct clues to the identity of the kidnapers, only little details that, it seemed to the public, might have been missed by any but the most careful and scientific of detectives.

Urschel described minutely how he had been driven in the kidnapers' car to a remote farmhouse where he had been held prisoner. He recalled that, on the way, his kidnapers had stopped at a gas station and passed the time of day with the woman there by asking her how things were. She had replied that "the crops around here are burned up." Obviously, the area in which Urschel had been held was suffering from a heavy drought.

To this tiny item of information, Urschel added another. He had made careful note of the fact that an airplane flew directly above his prison farmhouse at the same time each day. It passed overhead at 9:45 each morning and 5:45 each night. But on July 30, 1933, a severe downpour had brought relief from the crop-destroying drought—and, on that day, the evening plane did not pass over the farmhouse.

FBI agents began trying to fit these details into a pattern developed from meteorological data and airplane schedules. They found that on Sunday, July 30, a violent thunderstorm had forced an American Airways plane to swing to the north of its usual course on the Fort Worth to Amarillo run. A study of American Airways' flight schedules showed that, at the times specified by Urschel, the planes on this run would be passing over Paradise, Texas.

Concentrating on Paradise, agents located a farmhouse that Urschel identified as his prison home. The house was owned by the mother and stepfather of Kathryn Kelly, wife of a desperado known as "Machine Gun" Kelly. With this discovery, the case was broken; all that remained was to catch Kelly.

Whitehead, in *The FBI Story*, gives this description of the denouement:

> Kelly and his wife were traced to a house in Memphis, Tenn., where Kelly once had been a "society" bootlegger. In the early hours of September 26, 1933, FBI special agents and Memphis police raided the Kelly hideaway. Caught without a machine gun in his hands, Kelly cringed before the officers and pleaded, "Don't shoot, G-men! Don't shoot, G-men!"

Origin of "G-men"

FBI literature explains that this was the first time agents had heard themselves designated as G-men. Naturally curious, they asked Kelly what he meant, and the cowed desperado explained that "G-men" was underworld parlance for "Government men" and that it was a dread term conveying to a crook the certainty that his jig was up. The phrase was short, colorful and ideal for headline purposes; the press seized upon it avidly; magazines and the movies took it up—and so another FBI legend was born.

It is a bit curious, under the circumstances, to find that Howard McLellan, writing an article entitled "Shoot to Kill?" in *Harper's* for January, 1936, gave quite a different version of Kelly's final capture, one that does not so glamorize the FBI. Here is the way McLellan told it:

> In Memphis, Tenn., the local police were advised that Kelly and his wife were living in a bungalow in that city. Police detectives and Department of Justice agents kept the house under observation all night. On a dining-room table at which Kelly sat was an automatic pistol; on the floor were several sawed-off machine guns, his favorite weapon. At six in the morning, Detective Sergeant W. J. Raney, [of the Memphis Police force] slipped into the house. The bedroom door opened and there stood Kelly, a gun in hand, ready. The detective, who had been trained to look at a quarry's hands and not at his face, made one move. He shoved his shotgun barrel into Kelly's stomach and said, "Drop that gun." And Kelly dropped it.
>
> "I've been waiting all night for you," said Kelly, grinning.
>
> "Well," said Raney, "here we are."

This more subdued treatment of the final scene may impress some as carrying the ring of greater truth, but one thing is certain: it couldn't compete with the FBI's third-act climax for color and sensation. And vivid as this climax was, more sensations were to follow—cops-and-robbers dramas so thrilling, so filled with suspense that they could be told and retold over the years with never-failing interest. For these were the days when the FBI added the final ingredient of battle to its hero image; when its agents shot it out with kill-crazy gunmen, killed and were killed to uphold the law.

There was, for example, the months-long, headline thriller of "Pretty Boy" Floyd. The Floyd saga began with what became known as the "Kansas City Massacre" on June 17, 1933. Frank Nash, an escaped convict, had been caught in Arkansas and had been brought back to Kansas City for transfer to Leavenworth Penitentiary. FBI agents and local police were guarding him. The size of the squad indicated that they were well aware an attempt might be made to liberate Nash; but naturally they did not

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know, could not know, that an attempt actually was in the making.

At Kansas City, Nash was taken from the train to a waiting car. He was placed in the front seat. Two FBI agents and an Arkansas police chief were in the rear seat; another FBI agent walked around the car to get behind the wheel; two city detectives and still another FBI agent were standing beside the car. It was broad daylight; early morning crowds were hurrying past upon the street. "At this moment, the agents and police officers relaxed their guard," Whitehead acknowledges in *The FBI Story*. It was a fatal error. Three figures materialized suddenly out of the morning crowds, catching the detectives completely unaware. "Pretty Boy" Floyd, Vern Miller and Adam Richetti had come equipped for deadly business. Two were armed with machine guns, the other with pistols. Instantly, they opened fire. An FBI agent and three policemen were killed in the first barrage; two other FBI agents were wounded, one critically. Nash was killed by a wild-flying bullet from one of his rescuers' guns. The three desperadoes who had committed wholesale murder escaped unscathed.

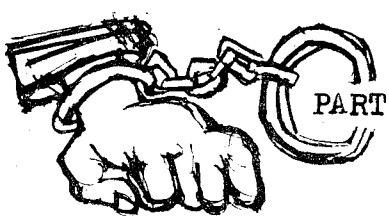
This bloody tragedy would seem to indicate, contrary to popular belief, that the FBI is no more infallible than other agencies; that even its much-heralded vigilance can relax at times at the wrong moment. To say this is not to criticize; it is merely to point out the facts of life which so much of the infallible FBI legend is calculated deliberately to ignore.

Understandably, the public reaction to the slaughter of officers of the law was one of outrage, and the ensuing hunt for the killers was a top headline topic. One by one, the law triumphed. Miller's body was found outside Detroit, riddled with gangland bullets. Richetti was captured by local police in Ohio and executed. And "Pretty Boy" Floyd, last of the murderous trio, finally went down in a gun battle with the FBI and police in rural Ohio on October 22, 1934. The sequence tells its own tale of redemption. Whatever the momentary and fatal lapse in Kansas City, right had triumphed; the FBI again had got its man.

Such examples clearly explain the birth of the FBI legend. Through them run certain fairly obvious threads. If the FBI is not as perfect as it is painted by its shouting partisans, it often atones for errors and stills criticism in the final accomplishment of its objective. It can make mistakes like any ordinary police department, and yet, if in the end it succeeds, the public, in a favorite phrase of Hoover's, has gotten its money's worth. All's well.

The Urschel kidnaping illustrates both sides of the coin. The detective work that broke the case by meticulously piecing together tiny clues was in the best traditions and would have done credit to any detective force anywhere at any time; the subsequent effort to wring the last drop of sensation and publicity value out of the arrest of Machine Gun Kelly appears less admirable. The FBI-inspired accounts certainly hog the spotlight from the Memphis cops who, if McLellan is to be believed, actually discovered where Kelly was—and actually made the final pinch.

These are tendencies which it seems important to analyze and understand if one is interested in piercing the fog of deification to determine just how much is fact, just how much is carefully cultivated myth. Such understanding seems vital if one is to gain any perspective on the agency and its director — the man who now stimulates the propaganda campaign against the Supreme Court and influences legislation in Congress. In this effort to disentangle myth from reality, perhaps no case is more significant than the one that is the FBI's proudest possession — the shot-punctuated hunt for a tough-bitten, minor-league hoodlum by the name of John Dillinger.



A QUESTION OF CREDITS

MENTION THE NAME of John Dillinger to almost any adult American who has been reading the newspapers and magazines during the last twenty years, and it's a safe bet that certain images will flash through his mind. The Woman in Red. The trap set at the old Biograph Theatre in Chicago. The downward sweep of the chief agent's hand like a signal for execution. And the sharp, deadly-accurate fire of FBI agents dropping the nation's No. 1 menace dead in his tracks before the startled eyes of gaping theatre-goers.

But mention the names of St. Paul and Little Bohemia, and it's almost a cinch the reaction will be a bewildered: "What's that?"

Yet St. Paul and Little Bohemia are as integral parts of the Dillinger melodrama as the Woman in Red and the Biograph. And the fact that only the triumphant half of the story has registered in the public consciousness seems a tribute to the art of propaganda — to skillful manipulation of the facts by the storytellers, aided and abetted by media of information that are interested, not so much in truth, as in giving the public what they think the public wants —a good bedtime thriller.

Probably as good a place as any to begin unraveling the legend wrapped around Dillinger's death is in the anteroom of the office of J. Edgar Hoover himself. There, literally millions of Americans, doing the tourist's round of Washington, have been chillingly titivated over the

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years by the macabre Dillinger memorabilia clustered at the very threshold of the throne room. Jack Alexander, in his 1937 *New Yorker* profile, described the scene this way:

> In the anteroom where visitors wait to be admitted to the Director's presence the most compelling decorative object is a startling white plaster facsimile of John Dillinger's death mask. It stares, empty-eyed, from under the glass of an exhibit case. There are other exhibit cases in the anteroom, but this one, like a prize scalp, is significantly located closest to the Director's office. Grouped about the mask are souvenirs of the memorable night when the spectacular outlaw was cornered and shot down after he had emerged from a motion-picture theatre in Chicago. There are the straw hat he was wearing, a wrinkled snapshot of a girl which was fished from his trousers pocket, and the silver-rimmed glasses he was wearing to heighten his disguise, one of the lens rims snapped by a bullet. There is a La Corona-Belvedere cigar he was carrying in his shirt pocket that summer night, still banded and wrapped in cellophane.

With this introduction, let's take a close look at the Dillinger story. It is a story that falls almost exactly into two distinct parts in the career of a small-time hoodlum and bandit; the career of an icily inhuman killer. The dividing line between the two halves, as McLellan pointed out in his *Harper's* article more than twenty years ago, appears to have been an official order to shoot Dillinger on sight. Faced with this much-publicized ukase for his extinction, Dillinger not unnaturally began to shoot first—and with deadly intent.

McLellan put the case this way:

> The first period finds him [Dillinger] credited with five holdups between September, 1924, and September, 1933. But no killings were involved in these crimes. . . . In September, 1933, Dillinger was captured and held in jail in Lima, Ohio, and escaped when confederates of his killed the sheriff. Though he was the cause of this killing, Dillinger was not credited with it and others were jailed and tried for the murder.
>
> During the period from October, 1933, to December 13, 1933, he was credited with five holdups, two of which were raids upon police stations for the sole purpose of procuring guns and ammunition. Although policemen were in the station houses when the raids were made, supposedly by Dillinger and his gang, no policemen were shot. On December 13, 1933 . . . he and his gang robbed a Chicago bank but shot no one.
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> . . . Immediately after the Chicago bank robbery the police of that city publicly announced their determination to kill Dillinger and his allies on sight. . . .
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> On the night that the order to kill Dillinger and members of his gang on sight was published they descended upon a roadhouse near Chicago, held it up, and shot and wounded two highway patrolmen. A day or so later, John Hamilton, a Dillinger henchman, was cornered by Chicago police but shot his way out of the trap and killed Police Sgt. William T. Shanley. Six days later Edward Shouse, another Dillinger aide, shot and killed an Indiana State policeman. . . .
>
> Then, on the night of January 15, 1934, Patrolman William P. O'Malley was talking with a friend near the First National Bank in East Chicago when he was shot and instantly killed. O'Malley was utterly unaware that the bank was being robbed, but such was the fact. The robbery and murder were again credited to Dillinger and his men. It should be quite obvious why O'Malley was shot. Although he was not aware of the robbery, he was a minion of the law, and thus to Dillinger and his aides was a man who at any moment might fire at them.
>
> One begins to discern the cost in lives of the doctrine of shoot to kill. Two officers wounded and three killed within a few weeks after the order went out, and none of Dillinger's crew either shot or killed!

The killings catapulted Dillinger into the dangerous eminence of big headlines. They made the tier of states north of the Ohio too hot for him, and so he took some of his gang and their girls down to Tucson, Arizona. There, amazingly enough, the local gendarmes got on the trail and rounded up the lot without the popping of a single gun.

Perhaps the Tucson cops should have given lessons in the art of gentle and successful arrest, for their feat certainly stands out in bold contrast with the warfare that was to come. Shipped back to the Crown Point County Jail in Indiana, Dillinger wasn't confined for very long. He carved a wooden pistol from a washboard, blackened it with shoe polish, scared the daylights out of his jailers and took off in the sheriff's car.

In doing so, he committed a fatal blunder. He crossed the state line in the stolen car on his way to Chicago, thus violating a federal law and becoming bait for the G-men. Dillinger was now almost crowding Roosevelt out of the headlines, his scalp was a prize of priceless value, and a veritable small army of FBI agents was thrown into the hunt. Pictures of the agents hotting up their pistols in target practice were displayed prominently in the newspapers for Dillinger to see.

War in Little Bohemia

One thing has to be said for Dillinger: he didn't scare. The G-men tangled with him first in St. Paul. Dillinger and an aide, Eugene Green, were trapped in an apartment, a hard place usually to get out of; there was a furious machine-gun battle; Green was fatally wounded, Dillinger less seriously nicked. But both men, amazingly, got clean away.

The next encounter with Dillinger was even more embarrassing. The bad man took several of his other bad men, with women for all, and on Friday, April 30, 1934, holed up in a roadhouse known as Little Bohemia Lodge in a secluded area some nine miles from Mercer in northern Wisconsin. The FBI got a tip that they were there. Agents were rounded up from Chicago and St. Paul, and a raiding party was formed. The agents weren't familiar with the country, but they acted on a well-established principle of Hoover's not to take local police into his confidence unless they have the information and he doesn't. They went it alone.

One FBI-approved account says that only two cars were available to ferry agents on the last leg of the trip into the wilderness. Some of the agents had to cling to the running board, machine-guns in hand, in bitterly cold weather. Lights were doused for the last two miles of the creeping approach. Then the cars

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stopped, the agents took to the woods and started to deploy around the inn. In that instant, a dog barked; a Dillinger lookout stationed on the roof opened fire with a machine gun, and the pitched battle was on.

With bullets zinging back and forth, the FBI raiders dispatched a car and a couple of agents back to the nearest town to appeal for reinforcements. One of the agents was telephoning the alarm to headquarters when the local telephone operator broke in to report that there seemed to be some trouble at a house a couple of miles from the beleaguered lodge. The agents, taking a local policeman with them, drove to the new scene of disturbance. As they stopped their car, a member of the Dillinger gang, Lester Gillis, alias "Baby Face" Nelson, stepped out of the blackness of the night and opened fire. Special Agent W. Carter Baum was killed instantly; the other agent and the local policeman were wounded. Nelson took their car and escaped.

End of a Chase

While this was going on, the embattled FBI raiders back at the lodge were waiting for daybreak. Then they made their final rush—and found a deserted nest.

Only the gang molls were huddled in the roadhouse; Dillinger and five henchmen had vanished. They evidently had escaped from the rear of the lodge while the battle was raging in front, a prudent tactical maneuver; but just how they had accomplished this from a hideaway that should have been completely surrounded, through rough country where there were few cars and fewer roads, were questions that nobody seemed exactly eager to answer.

Post-mortems showed that only three narrow roads led out of the wooded resort area, and these, had local officers who knew the countryside been allowed to help, could easily have been sealed off with road-blocks before the raid was staged and the quarry alarmed. As McLellan later wrote in *Harper's:* "There was criticism of the strategy of Justice agents for not having taken into their confidence the local police who were familiar with the section; for failing to watch the back door of the inn, through which the desperadoes escaped; and for failing to erect a barrier against escape at a bridge (which it was said the local police might have helped them to do)."

If this futile and tragic action seems like something less than the perfect deployment of force by the perfect police agency, one may be tempted to wonder how the general public has received so overwhelmingly exactly the contrary impression of the Dillinger case. Part of the answer certainly lies in writing techniques that hardly mention the failures in their devotion to the triumphs. Whitehead, for example, covers the entire St. Paul and Little Bohemia fiascos in two pithy sentences. "On two occasions," he writes, "FBI agents thought they had Dillinger trapped. Each time he escaped in a barrage of machine-gun fire." The pitched battle at Little Bohemia and the murder of Agent Baum are mentioned only in a chapter note at the back of his book. Yet, at the time, they had far-reaching effects.

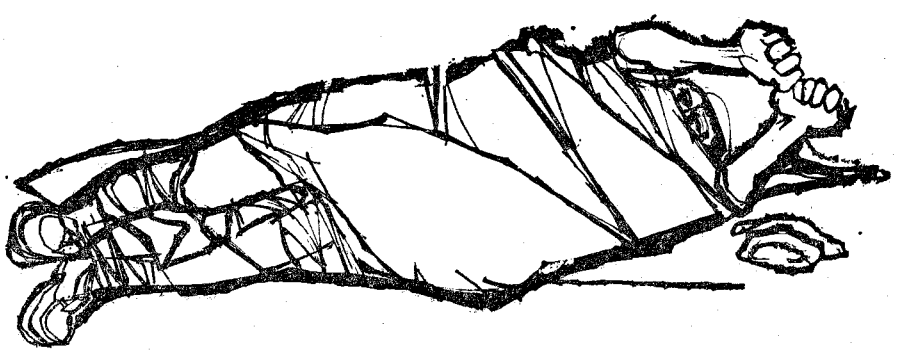
More agents were thrown into the hunt; the Department of Justice offered a tempting reward for Dillinger, dead or alive. One of Attorney General Cummings' principal assistants vowed that the department was going to get Dillinger and added that, when it did, "I hope we get him under such circumstances that the government will not have to stand the expense of a trial." And Attorney General Cummings himself, never one to be outdone, shouted: "Shoot to kill — and then count ten!"

With all of this massive federal activity and soaring rhetoric, it remained for local cops to come up with the information that really did Dillinger in. The gunman, after an attempt to change his appearance by plastic surgery, had gone back to his old haunts around Chicago. There he committed the incredibly stupid blunder of attaching himself to Polly Hamilton, reputedly the ex-girlie of an East Chicago policeman. Even worse for Dillinger, his girl friend had a girl friend — and one who was in trouble.

She was Ana Cumpanas, also known as Anna Sage, a brothel-keeper whom immigration agents, showing a fine distaste for her profession, wanted to deport back to her native Rumania. Anna didn't want to go, and she confided to Captain Timothy O'Neill and Sergeant Martin Zarkovich, of the East Chicago force, that she might be willing to offer up Dillinger as a sacrifice to the law if she could win herself a reprieve. On Saturday afternoon, July 21, 1924, Captain O'Neill telephoned this exciting information to Melvin H. (Little Mel) Purvis, a jockey-sized operative who was then in charge of the FBI's Chicago field office. A conference was held with Anna. Things began to roll.

Anna Sage told investigators that she often accompanied Polly Hamilton and Dillinger to small neighborhood theatres. They were going, she thought, the next night. She would wear a vivid red dress.

About 9 P.M. on July 22, lurking agents spotted "the woman in red" and recognized Dillinger as he bought the tickets at the Biograph Theatre box office. They clustered outside, waiting until the show was over and the trio came out. Then, as Dillinger and the two women



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strolled past Purvis' parked car, the chief agent stretched out his hand and brought it down in a sweeping gesture, fist closed. It was the signal. Some fifteen agents started to close in. Dillinger instantly scented trouble. He cast one frantic glance about him, whirled and started to run toward the mouth of a nearby alley, clawing at his pocket for a gun. He never got it. The FBI fusillade rang out, and Dillinger crashed down — dead.

In such fashion did Dillinger become a prize exhibit in the FBI showcase in Washington — and a two-edged lesson for those who have the will to read. His case was not unique. Anyone who studies the cases of this, the FBI's most heroic period, the period when the image was being created, will find other examples that seem to conflict with the myth of perfection and infallibility.

In December, 1937, for example, a federal agent went out alone to spring a trap on an extortionist near Independence, Missouri, but he was badly riddled by a shotgun blast instead. The local sheriff was understandably annoyed when he learned of the incident only by reading about it in a newspaper, and he protested to Hoover that "a dangerous killer" had been allowed to escape because G-men weren't cooperating with local authorities. In the same year, the police chief in Topeka was similarly unhappy after the Topeka post office had been shot up when G-men tried to spring a trap there. Local police hadn't known anything about it until the two New York gunmen, whom the agents were trying to take, had shot their way out of the trap, killing an agent in the process. The next day the desperadoes were captured by a Nebraska sheriff and his brother without heroics, without fireworks.

Public Rat No. 1

Equally revealing in its way was the capture of Alvin Karpis, who at the time had top billing as Public Enemy No. 1. Karpis was wanted for a string of crimes, including murder and the $100,000 kidnaping of William Hamm, Jr., of St. Paul, Minn. Like Dillinger and "Pretty Boy" Floyd, he was a choice headline item, and Hoover had done nothing to detract from his prestige by calling him the head of the "shrewdest, most cold-blooded gang in America" and "Public Rat Number One." Hoover wasn't the only one who wanted to jug Karpis. In addition to local police, postal inspectors were on his trail because his gang had looted an Erie Railroad mail train in Ohio. The postal inspectors, according to the Postmaster General's subsequent report, scored first when, with Kansas state police, they nabbed one member of Karpis' mob in March, 1936. They redoubled their efforts to track down Karpis.

The Missing Manacles

This was the situation when Hoover, on one of the few occasions in his life, got into a head-butting contest with a Congressional committee. Senator Kenneth D. McKellar, of Tennessee, who had no love for Hoover, was chairman of the Senate Appropriations Committee, and in late April, 1936, he subjected Hoover to severe grilling. McKellar's theme was that Hoover had begun his career as a clerk and a lawyer and so had limited personal experience in actual detective work. At one point, he asked Hoover sarcastically whether Hoover had ever made an arrest. His face flushed with anger, Hoover acknowledged that he hadn't. "Boiling mad," as *Time* described him, Hoover returned to his office and demanded the latest reports on Karpis. The timing was perfect. Karpis had been located in New Orleans. Hoover grabbed a plane and a number of G-men and took off.

Much miffed afterwards, postal inspectors intimated that the G-men were acting on leads they'd developed. Hoover denied it, though he never has said just how he learned Karpis' exact address. In any event, one thing is indisputable: Hoover beat the postal inspectors to the punch.

It was the evening of April 30 when the plane bearing Hoover and his raiders swooped down on New Orleans. Hoover and his men sped to Karpis' apartment on Canal Street, and as luck would have it, there was Karpis himself just getting into his car with a companion. Hoover ran to the left side of the car and grabbed Karpis before he could reach for a rifle on the back seat.

Then, according to contemporary accounts, Hoover turned to his agents and ordered: "Put the cuffs on him, boys."

The order led to a mortifying discovery — nobody had thought to bring along any handcuffs. The result was that the No. 1 Public Enemy of the nation was trussed up with nothing more substantial than an agent's necktie. Hoover then directed his men to drive to the post office building, but it developed that the agents were all such strangers in New Orleans that none of them knew how to get there.

One account that quotes Hoover directly gives this byplay:

> "Mr. Hoover," broke in Karpis, who hadn't said a word up to then, "if you mean the new post office, I know where that is, because I was just goin' to rob it."
>
> Fortunately for the dignity of the Federal Bureau of Investigation, it was the old post office where the prisoners were to be taken, and we didn't have to accept the proffered guidance. We did, however, have to ask the way from a passing pedestrian . . . .

Uses of Statistics

These details, which might seem to indicate that even in this major headline case some of the FBI's arrangements were less than perfect, didn't all come out at the time. What was immediately obvious was that Hoover personally had made an important arrest and that, by doing so, he had neatly turned the tables on Senator McKellar. The arrest of Karpis was a dramatic answer to McKellar's gibe, and the red flush of embarrassment had been neatly transferred to the Senatorial face. The result: Hoover rode higher than ever.

He rode so high that almost nobody asked any questions about the claims he advanced concerning his agency's achievements. Hoover's method was simplicity itself. Kidnaping, for example, was a major

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preoccupation of the bureau. It was the offense that had put the FBI into the big-league crime-busting business; it was the offense to which the FBI, as a result, devoted a major portion of its attention and all-out effort. In his annual reports over a period of years, Hoover always heavily emphasized the fact that almost every kidnaping case had been solved. He may not have said so explicitly, but the clear implication was that the FBI had done the perfect clean-up job. Newspapers headlined this suggestion as fact, and nobody asked the obvious questions: Should all of the credit in these cases go to the FBI? What about the local police departments which worked on the same crimes? Did they, perhaps, in a great number of cases, furnish the vital clues?

Fun for the Tourist

Milton S. Mayer, in an article, "Myth of the G-Men," in *The Forum* for September, 1935, pointed out that the McElroy, Lindbergh and Weyerhaeuser kidnapings were broken by other agencies, not by the bureau. Two years later, Jack Alexander, in his *New Yorker* profile of Hoover, made acid note of the manner in which the FBI indoctrinated thousands of tourists in the belief that it alone had broken the Lindbergh case. Alexander described how an FBI guide, with a line of running patter and graphic physical exhibits, carried his gaping audiences right into the heart of the recreated chase for criminals. Elaborately prepared maps and charts, on which blinking lights picked out the course of action, helped to make each tourist feel like Dick Tracy, hard on the heels of the malefactor. Alexander described the over-all effect this way:

> The tourists also get the impression that the FBI has been responsible for the solution of most of the recent major crimes. In dilating upon the Lindbergh case, for example, the tour leader tells how "we" solved it, and directs attention to a large map of New York City on which the G-men, using colored pins, kept a geographical record of the trail of the spent ransom notes. No mention is made of the fact that New York police kept a similar map, or of the fact that Treasury agents really set the trap which caught Hauptmann. Perhaps few of the tourists realize that the ransom packets as originally made up by J. P. Morgan & Co. contained no gold notes, and that it was only because Treasury agents insisted that the packets were remade to include $35,000 worth of them. The passing of one of the gold notes at a filling station led directly to Hauptmann's arrest.

Even more striking than the Lindbergh case as examples of Hoover's publicity techniques were a couple of 1936 captures in which Hoover emphatically took all credit for the bureau and in which, almost as soon as he had, facts popped up that seemed most embarrassingly to contradict him.

The first contretemps arose over the May 11, 1936 arrest of Thomas H. Robinson, Jr. in Pasadena, California. Robinson had been the object of a nation-wide hunt as the kidnaper of Mrs. Alice Speed Stoll. When he was nabbed in his apartment with an arsenal of five guns around him, the United Press reported: "Hoover said . . . that the capture was entirely the result of work by FBI agents and that no tips had been received from any outside source which were of the slightest value in the hunt."

Tipster Tells All

The same day that newspapers were publicizing this claim by Hoover, the United Press tracked down a source who, it appeared, must have been of some slight value to the G-men. He was Lynn Allen, a lunch-counter manager in a Pasadena drug store, who told in graphic detail how, two weeks earlier, he had spotted the tall and swarthy Robinson masquerading as a fashionably dressed woman. "He (Allen) telephoned police. Police notified the G-men," the United Press reported succinctly. In a separate by-line story, the news agency carried Allen's own account of the manner in which he had become suspicious of Robinson, despite Robinson's sex-changing disguise. Allen wrote:

> The thing that attracted my attention was his extreme height. Only a few women as tall as 5 feet 11 or 6 feet come into the store. I started scrutinizing him carefully when I waited on him . . . . I remembered a description of Robinson. This man fitted the description even to a dimple on his chin and a disfigured ear. He was heavily painted, apparently to conceal the stubble on his face. The only time he spoke was when I asked him if he wanted grapefruit juice or orange juice. He said "Orange juice."
>
> His voice was that of a man, although he tried to conceal it by making it high-pitched. I called police as soon as possible and told them I believed I had seen Robinson. They brought me to the police station and after seeing the photographs there was no question in my mind that it was Robinson.

This account would seem to make it pretty clear that the G-men were assisted in pinpointing the very area in which Robinson was nabbed by Allen's tip, forwarded to them through local police channels.

Tenement Battle

Even more detailed and more specific in its refutation of an all-out claim by Hoover was the case of Harry Brunette. Brunette and his partner, Merle Vandenbush, had been hunted as suspects in a series of bank robberies. And after November 11, 1936, they had been wanted for kidnaping, too, for on that day, in escaping from Somerville, N. J., they had kidnaped State Trooper William A. Turnbull and held him prisoner for a short time. The kidnaping naturally made headline news, and the hounds of the law were soon hot on Brunette's trail. They ran him down just after midnight, early on the morning of December 15, 1936, when Hoover personally led a squad of ten agents in a raid on an apartment at 304 West 102nd Street, New York City, where Brunette had holed up.

The raid was not staged with maximum stealth. G-men began the action by trying to shoot the lock off Brunette's apartment door. Brunette, not taking kindly to the idea, grabbed his guns and shot back. Bullets began to ricochet around the walls of the apartment building where twenty families lived. Unable to outshoot Brunette, the federal agents began hurling tear-gas bombs, trying to smoke him out. One of the

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bombs set fire to the building. Firemen were summoned.

The fire-fighters found themselves caught in a cross-fire of bullets, and it seems a miracle none of them got killed. *Newsweek,* in describing the battle, wrote:

> Amid the hubbub, a flustered G-man poked a sub-machine gun at a husky fireman. "Dammit, can't you read?" growled the fireman, pointing at his helmet. "If you don't take that gun out of my stomach, I'll bash your head in." For thirty-five minutes, the shooting continued. Then a lull. "Give up, or we'll shoot," shouted a G-man —as if they had been throwing spitballs up to then. A young woman, the wife of Harry Brunette, staggered out, shot in the thigh. Then came the unharmed Brunette—twenty-five-year-old bank robber . . . .

The New York Times reported that both the New York City police and New Jersey State Police were incensed at Hoover for the manner in which the raid had been staged and accused him "of violating an agreement with them in order to steal the glory that was rightfully theirs." Hoover, asked about the charges, expressed mild surprise. He said everybody ought to be happy because a bad man had been caught, explained he'd written letters congratulating the other law departments for their "cooperation," insisted he'd never double-crossed anybody. Hoover refused to disclose, *The Times* said, how he had learned where Brunette was, but he did deny flatly that the information came "from any law-enforcement agency."

Police Fall Out

This denial quickly got some rough handling from Colonel Mark O. Kimberling, commander of the New Jersey State Police, and Commissioner Lewis J. Valentine, of New York City, one of the most famous police executives in the country. Both Kimberling and Valentine, quoting directly from basic investigative reports, made it clear that their detectives located Brunette and that they had told the FBI the details only after they had Brunette under surveillance.

The first part of the investigation belonged to Colonel Kimberling's state troopers. A car had been left

in a Philadelphia garage and hadn't been called for. The garage people had notified police; they had thought the vehicle answered the description of the one used in the Turnbull kidnaping. Jersey troopers, informed of the suspicion, went to Philadelphia and dusted the car for fingerprints. They raised one showing that Vandenbush had been an occupant. More important, in the glove compartment, detectives found an old garage bill. The garage was located in New York City. And so Colonel Kimberling contacted Commissioner Valentine.

Taking up the recital at this point, Valentine supplied specific, step-by-step details of the hunt. According to *The Times,* he referred to daily and detailed detective reports. A number of detectives had been assigned to the case; garage employees had been questioned; they had identified pictures of Brunette and Vandenbush as the men who had used the car. More important, garage attendants recalled that they had seen the car parked on a lot on 105th Street and that Brunette had been known in the neighborhood as the boy friend of Arline LaBeau, who lived with her parents in an apartment there.

The detectives had followed this lead. They had learned that Arline LaBeau had recently married her boy friend. The newlyweds were understood to be living in an apartment of their own in the same general neighborhood. Hoping to spot them, Trooper Turnbull himself drifted about the area in plain clothes. The girl had been in the car with Brunette and Vandenbush when the trooper was kidnaped, and Turnbull felt sure he would recognize her. Luck was with him. He actually spotted Arline on the street, trailed her, but lost sight of her near 102nd Street.

At this point, Commissioner Valentine said emphatically, the FBI was notified that city detectives and New Jersey troopers had developed a lead in the Brunette case. But the investigation was still handled by New York and New Jersey detectives. The commissioner went back to reading his detailed reports.

The detectives had made a careful house-to-house canvass of 102nd Street. At 304 West 102nd, Detectives James Cotter and James A. O'Brien and Trooper Sgt. Gustave Albrecht of the New Jersey force had learned from the superintendent that a new couple had registered in the building under the name of Mr. and Mrs. Robert Lake. The super had identified a picture of Brunette as the man he knew as Lake.

Three-Way Pact

The detectives had made a careful study of the building. They had noted all possible means of escape. They had examined the physical layout of the Brunettes' apartment when the couple was out. They had set up a plant in another apartment inside the building. The Jersey troopers had set up another plant in an adjoining building from which they could watch the entrance. At this point, said Valentine, Hoover had been notified again—this time that the quarry had been run to earth and was being watched.

An ironclad agreement was made with the G-men, Valentine and Kimberling insisted. It provided that all information should be shared, that all three agencies would act in concert. After the pact had been concluded, there were some rumbles of discontent from the FBI, Valentine admitted, and as a result a conference, with all the agencies involved represented, had been held in New

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York police headquarters on Monday afternoon. Again, after some argument, the G-men had agreed to concerted action and a specific time had been set for the raid — two o'clock on Tuesday afternoon.

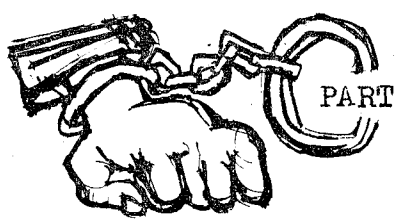
This time had been selected, Valentine explained, for two reasons: detectives were hopeful that, by watching Brunette's lair, they might catch Vandenbush, too, should Vandenbush come to visit Brunette; secondly, their surveillance had established that Brunette prowled by night, slept by day, and hence two o'clock in the afternoon appeared the ideal time to take him without trouble, without fireworks.

Ironic Epilogue

Notwithstanding this agreement, Hoover personally had led the G-men on the raid shortly after midnight—some fourteen hours before the agreed time. Detectives Cotter and O'Brien had left their plant for a coffee break, Valentine said, but Troopers Albrecht and Meade, of the Jersey force, were on watch. Startled when Hoover and his raiders showed up, they rushed out into the street to ask what he was doing, but, according to *The Times,* "he merely shrugged his shoulders, one of the police officers said." While Albrecht stayed on the scene remonstrating with Hoover, Meade dashed around the corner to drag Cotter and O'Brien from their coffee. By the time the three detectives got back, the G-men and Brunette were making war. Jack Alexander reported:

> An ironic epilogue to the raid was enacted two months later when the fugitive Vandenbush and two other hoodlums were captured by village police in Armonk. Vandenbush told his captors that he had come to 102nd Street to see Brunette just as the federal siege was starting and that he got so close to the excitement he could almost have leaned over and touched the Director on the shoulder. After rubbernecking in a crowd of other citizens for a few minutes, Vandenbush said, he strolled off. His captors received this message from Hoover: "Your work in apprehending Vandenbush constitutes a material contribution to the advancement of the cause of law enforcement." It had done all of that and more; it had furnished a striking lesson in contrasts. The rustic cops had not found it necessary to fire a shot or throw a single tear-gas bomb, despite the fact that the men they were stalking were armed and were trying to escape with $17,626 in loot. . . .

What was Hoover's explanation of all this? The record shows that newspapermen kept after him for several days. In contrast to the detailed reports of Kimberling and Valentine, Hoover spoke in generalities. He charged that the New York detectives, instead of taking a coffee break, had goofed off the job for four hours; one of his own agents, Hoover said, had seen Brunette on the street with a woman, evidently his wife, about midnight and had seen them go back into the 102nd Street building. So? As for the Jersey troopers, they couldn't see the front of the building adequately in the dark, Hoover said, ignoring the fact that they seemed to have spotted him quickly enough; and as for the charge that his men had fired "hundreds" of bullets, it wasn't so at all —they'd only fired sixty-two. As for the rest, it was all "unjustified and petty criticism," the New York and New Jersey cops were indulging in "kindergarten stuff," all that mattered was that the public had gotten its money's worth when the FBI grabbed Brunette—and anyway what was needed was less of this bickering and more genuine cooperation between local and federal law-enforcement agencies.



EFFICIENCY — AND SCIENCE

JUST HOW efficient is the FBI? How does it compare, for example, with the little-publicized sleuths of the Secret Service, who have virtually eliminated the crime of counterfeiting and who guard the President? Or with the postal inspectors? Or agents of the Federal Bureau of Narcotics?

To ask such questions is to open up a vast and complex field of debate. In the popular mind, the FBI certainly overshadows all the other federal agencies put together. Pretty obviously, however, the popular impression is one that has been assiduously cultivated by the FBI itself; it is an impression based primarily upon the FBI's own estimation of its achievements. And self-appraisal never has been accepted as the most reliable aid to impartial judgment.

Because this is so, it is necessary to weigh many factors in trying to arrive at any balanced picture of the FBI. The personality of J. Edgar Hoover is a vital starting point, since he dominates the bureau so thoroughly that he determines almost single-handed what the public thinks of the bureau and even what the bureau thinks of itself. The nature and extent of the FBI's efforts at propagandizing itself are equally important, since these inevitably color the final popular opinion. The FBI's indubitably valuable contributions to the cause of scientific crime detection and better police work must be carefully considered, since these constitute an additional, vital realm of the bureau's functions. And finally the reliability of the bureau's figures and statistics must be weighed, since they are cited so often in substantiation of its claims to accomplishment.

Let's begin with the enigma presented by one of the most powerful men in America today, J. Edgar Hoover. A bachelor, he lived for years with his mother in the extremely modest family home in Washington,

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D.C., and after her death, he continued to live there alone. As Russell Turner wrote for the United Press in 1938, when Hoover's name had become a household word, the general public knew virtually nothing about the man himself. "His name has probably made more headlines than any other except President Roosevelt's," Turner wrote, "but those who know that he is a stamp and antique collector, that he is a baseball fan and an expert fisherman could be assembled in a small drawing room."

Turner described the Hoover of the thirties as "of medium height, inclined to stoutness, sharp-featured with coal-black curly hair. He speaks with sharp, clipped, staccato phrases. He dresses like a magazine fashion plate. Mr. Hoover's acquaintanceships are innumerable, but those who could be classified as intimate or close friends are few."

A Day With Hoover

A more detailed picture was drawn by Jack Alexander in his *New Yorker* profile:

> At home, in Washington, D.C., Hoover spends most of his free evenings puttering around in his study. He lives in the house in which he was born, a small stucco dwelling in the unpretentious Seward Square section. All about it are rows of similar dwellings, mouse-like in their lack of distinction and occupied mostly by government clerks and their families. In his study, Hoover is surrounded by paintings, etchings and bronzes, which he collects in a modest way. He reads all five of the Washington newspapers. His primary interest in them is the G-man strips and his favorites are "Dick Tracy," "Secret Agent X-9," and "War on Crime." He considers them highly important influences in creating a public distaste for crime and derives a keen inward satisfaction from seeing their flinty-jawed detective heroes prevail over evil. Among other types of newspaper strips, the one he likes best is "Tarzan." Hoover's book reading is apt to be of the inspirational type. He has read Emerson since boyhood, and in maturity [Hoover was then 42] has turned also to Vash Young and Edgar Guest, both of whose works he has in collected sets, and to Robert W. Service, the he-man poet. He also finds inspiration in "Verses I Like," a collection of poems which Major Bowes has read over the radio and which are described on the book-jacket as heart-warming. On the desk in the study is a framed copy of Kipling's "If." Hoover knows "If" by heart. His radio taste runs to softly-played dance music. If he happens to tune in a symphonic program accidentally, he will listen to it no longer than he has to, for the meaning of highbrow music has always evaded him.
>
> At 8:30 in the morning a Pierce-Arrow sedan stops in front of the modest Seward Square house and with a brisk, military step, Hoover comes out and gets in. The sedan, which is a goverment car, rolls downtown and deposits him in the courtyard of the handsome classico-modern Department of Justice building, on whose fifth floor the FBI offices are located. The FBI is one of the most popular shrines in the capital for the tourist trade, and if Hoover happens to pass a sightseeing party in a corridor, he is likely to hear the tour leader point him out, not as Mr. Hoover, but, remotely and impersonally, as the Director.
>
> The Director's office, the center of a felon-snaring web which covers the United States, is a large, stately room, carpeted in cherry red. From the doorway to the desk, which is at the opposite end of the room, is a walk of thirty or thirty-five feet. A few paces to the rear of the Director, as he sits down at his desk, are two tall brass standards, topped by brass eagles and clingingly embraced by furled American flags. Much of the Director's time is spent alone in the impressive quiet of this room, framed by the flags, and in other quarters than the underworld there is uneasiness over what he may be thinking. Some persons of liberal and leftish beliefs are uncomfortably reminded by the symbolic eagles, and the magnificent distance between door and desk, of the official lair of Mussolini. They cite this in support of a suspicion they have that the Director has Fascist leanings and is preparing himself to be the secret police chief and the spearhead of a Fascist dictatorship. The Director gets a wry amusement out of this. He insists that the idea of any non-democratic form of government for the United States, fascism included, is repellent to him, but he doesn't expect his critics to believe him, because, he says, they have "mental halitosis." He uses this difficult phrase for anyone who he thinks deliberately distorts his motives.

The picture that emerges seems to be that of a martinet, austere, lonely and dominating. It ties together with a couple of other facets of Hoover's personality that became apparent with the arrival of fame. He became a nightclub habitué, and he seemed to revel in reams of personal publicity. Were these perhaps compensations for the barrenness of his private life? Probably only a psychiatrist could give the answer, but about the facts themselves there can be little dispute.

At the Stork Club

Alexander pictures Hoover as a man so preoccupied with his work that he sometimes went about his nightclubbing in an almost grim fashion, as if determined to enjoy himself in spite of himself. His favorite stamping ground was New York's Stork Club, with whose proprietor, Sherman Billingsley, his relations certainly verged on friendship. Billingsley, Hoover and Paul Lockwood, at the time confidential secretary to Governor Dewey of New York, posed for one buddy-buddy picture that later was enlarged and prominently displayed in the Stork; and, as was revealed just a couple of years ago, when Billingsley applied for a pistol permit, he gave Hoover and Lockwood as his references. In the 1940 furor over the FBI, Representative Vito Marcantonio called Hoover "a Stork Club detective," and Westbrook Pegler held that this was "pretty good going, just as repartee" and added that, if Hoover would call Marcantonio "a Communist Congressman," the boys would be all even.

Agreeing that Hoover was "in a manner of speaking a nightclub fly-cop," Pegler went on to attack the FBI chief's propensity for personal publicity. The two things probably went together to some extent, for Hoover, by his nightclubbing, was thrown into constant contact with the gossip columnists who live off the salacious bits of scandal the nightclubs breed. Walter Winchell and Hoover, especially, formed quite

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an admiration society. Winchell built up Hoover in his columns, acted as an intermediary for Hoover in the nailing of Louis (Lepke) Buchalter, and in return—according to other newspapermen, at least, though Hoover and Winchell both deny it—was rewarded with some exclusive tips and tidbits of information culled from the FBI's vast repository.

Reluctant Dragon?

The inevitable result was the oft-expressed charge that Hoover was a publicity hound. This horrifies FBI spokesmen who have insisted repeatedly that nothing could be farther from the truth. Holtzoff in his 1940 correspondence with Mrs. Beard insisted that Hoover "does not share" the "common human failing" of liking publicity; in fact, wrote Holtzoff, Hoover actually shrinks with "unnecessary and undue modesty" from giving out good stories in the FBI files. Whitehead in *The FBI Story* similarly pictures Hoover as a man who actually detests personal glorification, but who embraced it reluctantly because he felt some counter-symbol was needed in the thirties to expose the phony glamour with which mobsters were gilded in the popular imagination. For this reason, says Whitehead, Hoover finally decided to promote the image of the G-man as the incorruptible fighter against crime. Alexander, in his much more balanced portrait, also accepts the thesis that Hoover at first shied from publicity. Hoover, he wrote, at first refused to cooperate with movie companies or fiction writers eager to promote the G-man symbol. Alexander adds: "But when he [Hoover] got thinking of it, he was unable to resist the temptation to capitalize on it. Somehow the Kansas City massacre had shocked the Director worse than anything that had happened before in that line." An all-out crusade against crime was needed, Hoover felt, and Alexander pictures his decision this way: "Someone had to become a symbol of the crusade, and the Director decided that, because of his position, it was plainly up to him. As he tells of it now, he was reluctant to accept the role because it meant sacrificing the personal privacy he had enjoyed before all the G-man excitement began, but he felt that he was not justified in refusing it simply because it was distasteful. So he accepted."

Hoover's self-portrait of Hoover as a reluctant dragon, accepted at face value by Whitehead and Alexander, might carry greater conviction if, in the subsequent years, Hoover had not exhibited such a marked disposition to resent criticism and to relish praise.

Even as Hoover labeled Cyrus Eaton's attack "vicious" and a "calculated distortion," even as he cheered the intimation that it was inspired by Communist sympathies, so in 1940, in speech after speech, did he belabor the critics of his bureau, who then included some of the most distinguished members of the Senate. "Un-American organizations," he said, were "smearing and discrediting" the FBI. "Foreign 'isms'" were seeking "to engulf Americanism." His critics were Communists whose charges were designed to "cover their own Trojan horse activities"; criticism of the FBI was "vicious, anti-American propaganda" and he vowed to get at "the truth of what is behind such untrue and utterly malicious rot."

Appetite for Praise

On the other hand, Hoover's appetite for praise was almost insatiable. Senator Norris told his colleagues of a Midwestern editor who "receives an average of one letter a week from Mr. Hoover. Whenever anything of a commendatory nature, or anything which could be construed as commendation of anything the FBI has done appears in the newspaper, the editor receives a letter of approval from Mr. Hoover." And Pegler, in more acid vein, wrote: "For a file of trashy personal publicity, he [Hoover] has permitted the prestige of his bureau to be exploited commercially by a personal following of self-elected junior G-men and himself to be identified in the public mind with gents-room journalism." Again: "Hoover's press apparently went to his head, and a quiet, efficient boss-cop became a celebrity and fight-night type. Cheap publicity began to appear about him, publicity of a romantic nature which any man can put a stop to if he is determined to do so."

Jack Alexander gags a bit when Hoover expressed delight at one outrageous puff. Alexander wrote:

> Many observers, including some of those who are friendly to the FBI and Hoover, deplore the publicity about it which first sprang up spontaneously and later was assiduously cultivated.
>
> Last June *The Feds,* a pulpwood thriller magazine, began a series of articles about Hoover and his Bureau in which he was lionized as "Public Hero No. 1." Anyone who expected him to repudiate or ignore the puff must have been surprised to read in the September issue excerpts from a letter the publishers received from Hoover. In the letter, Hoover expressed himself as "particularly happy" about the series, which he described as one of the best treatises of its kind that he had ever read.

What Price By-line?

For more than twenty years now, publicity about Hoover and the bureau has poured out in a torrential stream of drama in which the old manhunts are told, retold and told again and again. Magazine articles, comic strips, speeches, books, movies, radio and television scripts — no medium has been overlooked in projecting the hero image of the bureau and its boss. This spate of propaganda is largely the work of a special publicity staff within the FBI. As long ago as 1938, public attention was focused briefly on the self-glorifying activities of the organization as the result of an acrimonious dispute between Hoover and Leon G. Turrou, special agent in charge of the New York office. Hoover fired Turrou when the latter committed the *lèse majesté* of writing his own memoirs about a Nazi spy hunt he had directed. The bureau pointed out that Turrou had violated an oath all agents take not to disclose any information gained while in service.

Turrou replied that he was doing only what Hoover himself had done all along, asked whether a rule that applied to the hired hand shouldn't

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also apply to the boss, and even aroused the chairman of the Republican National Committee to come to his defense. Turrou charged that Hoover maintained a full-time staff of half-a-dozen men, "camouflaged as a research division," who actually were "doing nothing else but preparing articles, books and so forth to be used under Hoover's name. . . . " The Turrou charges sparked some curiosity in the press. One survey showed that Hoover's "popularity as a crime writer [is] such . . . that he can name his own figure for an article. His annual income from his writings has been estimated in five figures. This year, with the sale of his new book, *Persons in Hiding,* to the movies, his profits might be expected to run into six figures."

Alexander and others have reported since that Hoover refuses to profit personally by his writings. Sometimes, according to Alexander, he has refused all payment; on other occasions, the money earned has been turned over to charity or to departmental benefit funds. Hoover insisted to Alexander that he would never agree to benefit personally from the crusade against crime and that he was content to live on his salary, then a mere $10,000.

Growth of an Image

The persistent activities of Hoover's energetic publicity staff continued, however, to occasion some comment, and two years later Senator Norris, in a long speech in the Upper House, declared that Hoover "has an organization, maintained at public expense, writing speeches for him to make or for anyone else to make who will take the speeches. . . . No organization that I know of meets in Washington without having some person appear before it to tell what a great organization the FBI is. The greatest man of all, who stands at the head of it, never made a mistake, never made a blunder. In his hands lie the future and the perpetuity of our institutions and our Government. All such organizations adopt resolutions of commendation of this great man."

Norris was concerned— and rightly, it would seem—with the size of the image that was being impressed indelibly, by over-emphasis and reiteration, upon the retina of the public mind. But another detrimental aspect of Hoover's unrestrained publicity campaign struck Alexander, who wrote:

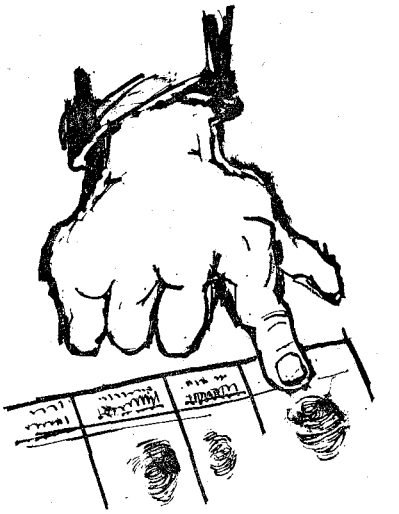
> The ways of the FBI have been so exhaustively publicized, in the writings of Hoover and in books and articles by outsiders published with his blessing, that a moderately literate criminal ought to be able to avoid capture indefinitely. The books and articles, by implication, tell him what mistakes to shun, and some of them, in addition, give him an interesting slant on himself which he would be unlikely to reach by introspection. For example, one of Hoover's prides is a modus-operandi file, something which describes the characteristic touches by which the techniques of specific public enemies may be recognized. In cases in which none of the witnesses is able to identify the criminals from rogues'-gallery photographs, the G-men are frequently able to identify them from descriptions of their handiwork. Thus it is possible to get started immediately on the trail of thugs who think they have made a clean getaway and who are therefore apt to be careless. But a criminal who takes the time to read *The Feds* or *Farewell, Mr. Gangster!,* a book about the FBI published last year with a foreword by Hoover, can learn all about the modus-operandi file. Then, unless he is immune to suggestion, the wisdom of varying his technique from time to time must inevitably occur to him.
>
> The FBI policy of disclosing how it works differs sharply from the secrecy which often federal detective bureaus, notably the postal inspectors and the Treasury units, throw about their activities. No one learns how the Secret Service guards the President, and only rarely, usually through local police sources, does the public learn how it catches counterfeiters, how the postal inspectors trap perverters of the mails, or how the Treasury agents discover those who defraud the government of revenue. When these agencies work in conjunction with local police, they withdraw after a capture and let the police tell the story. In informed circles, their detective work is rated above that of the FBI. Their style resembles the homely style of first-rate police detectives, who dislike gunfire and tear gas and prefer to get a fugitive by slipping in quietly by way of the fire escape while he is visiting his mother.

This impression of a careful and astute reporter certainly should be kept in mind in trying to reach any final evaluation of the FBI. In the same manner, one must consider what is perhaps Hoover's greatest claim to fame—his foresight in establishing and his activity in promoting, on a scale never before attempted in America, high scientific standards in detective work.

A World of Whorls

The scientific achievements of the FBI under Hoover fall into three main categories: the establishment of a huge fingerprint collection, a principal resource of every police department in the nation in tracking down criminals; the creation of a skilled laboratory to make the most delicate of scientific tests on minute physical clues; and the establishment of the National Police Academy, which trains selected officers from departments throughout the country in the latest scientific methods.

All are Hoover's creations. On the fingerprint collection alone, he must share partial credit with others, but



he is certainly the man who gave the technique its present great importance. The value of prints, no two of which have ever been found to be exactly alike, had been long accepted in Europe and by the principal law-enforcement agencies in this country before Hoover became

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director of the bureau in 1924. The police chiefs of the country had wanted a national clearing house for prints, and a couple of centralized collections had been made. Burns, when he was head of the bureau, had brought these files to Washington and had attempted to establish a fingerprint center but had run into opposition in Congress. Hoover, taking over from Burns and with the support of his superiors in the Attorney General's office, got the appropriations to set up an Identification Division. Some 800,000 of the old prints that had been placed in storage were sorted out and filed as a starter, and Hoover began a nation-wide publicity campaign to get local departments to send him the prints of all arrested men.

The advantages of a central fingerprint bureau are obvious and have been demonstrated in thousands of cases during the years. Take an example of basic simplicity. A man calling himself John Johnson is arrested in Seattle, Washington, in an armed holdup; his prints are taken by local police and forwarded to the FBI in Washington, D.C.; a check of FBI files shows that John Johnson is really Everett Smith, who has been sought for murder ever since his prints were lifted from a car used in a ride-killing in Boston. Thus a murder is solved, a hunt is ended, simply because the FBI fingerprint nerve center could connect two crimes an entire continent apart.

Scotland Yard's Method

The Identification Division is open around the clock, with service available to police departments throughout the nation at all times. If speed is essential, prints can be transmitted to the department on a device known as the Speedphoto Transceiver, similar to the equipment used by news agencies to transmit pictures to newspapers, and an answer can be sent back within a matter of minutes.

The only criticism that has ever been made of the bureau's fingerprinting activities stemmed from Hoover's urge to gather more and more prints, to amass the most colossal fingerprint collection in the world. Tourists passing through FBI headquarters were urged at the end of the tour to let themselves be fingerprinted. Women's clubs, business and civic groups, even school organizations have been encouraged to conduct local campaigns for fingerprinting. In 1936, the bureau publicized, for example, that it had acquired the prints of John D. Rockefeller, Jr., Edgar Guest and Walt Disney; and it urged everyone to follow these distinguished examples and be fingerprinted. The result of this campaign, conducted over a period of years, was that by mid-1956, according to Whitehead, the bureau had 141,231,773 fingerprints on file. Of these, 29,215,596 prints representing 11,336,712 persons, were in the criminal file; the remainder, 112,016,177 representing 60,753,062 persons, were in the separately-kept civil file.

This all-out effort to corral every fingerprint in existence contrasts rather sharply with the emphasis placed upon prints by that other famous police agency, Scotland Yard. There the effort is concentrated in the other direction — to weed out prints, to keep the collection down to manageable and efficient size. Sir Harold Scott, commissioner of London's Metropolitan Police, pointed up the contrast in his book, *Scotland Yard,* written in 1954:

> The main fingerprint collection at Scotland Yard, consisting of the prints of all ten fingers, includes more than a million and a quarter, and increases at the rate of 50,000 a year. Although the collection is weeded out regularly by removing the prints of people who have died or have reached an age when they are unlikely to indulge in further serious crime, an even more drastic weeding is necessary, and as soon as enough staff is available, all cards relating to offenders who have not come to notice for thirty or even twenty years will be removed. This will involve some risk of missing an occasional case, but in the interests of speed and efficiency that is a risk which must be faced. In any event, the weeded forms are not destroyed but only removed to a "dead" section.

What, then, is the purpose of the FBI's nearly-universal fingerprint collection? Liberal thinkers have been suspicious of it, insisting that fingerprinting of an entire population would be one of the best means by which a police state could keep tabs on its people. This danger, if danger it is, remains potential. Hoover insists that the argument is a lot of tommyrot. What has an innocent, law-abiding citizen to fear? he asks. On the other hand, he argues, fingerprints are a protection to the citizen. They have been used to identify victims of amnesia and return them to their homes and families; they have been used to identify the bodies of disaster victims who, otherwise, would have gone to unmarked graves. Such uses, as the FBI sees it, justify the mammoth collection.

The files in the criminal fingerprint section, aside from their value in catching crooks, have proved over the years to have another use. Local police departments, in weighing candidates for appointment, take their prints and check them through the FBI's criminal fingerprint collection. In an amazing number of cases, the fingerprint check establishes that men who have been arrested for breaking the law are the same ones who want to acquire the right to wear the uniform.

Prints and the WPA

One of the major disputes over this kind of fingerprint check arose in New York City during WPA days. The fingerprinting of all WPA workers was ordered, and in two years, according to Whitehead, some 46,663 sets of WPA fingerprints were checked through FBI files. Of these, 4,205 persons were identified as having criminal records, 2,506 of them for serious crimes. "Of persons applying for jobs as watchmen or as workers in the child recreation program," Whitehead writes, "some fifty had previous records of sex crimes."

This is the positive side of the picture. On the other side, a fingerprint record sometimes scars and hounds a man who has atoned for a long-ago transgression. Lowenthal, in his critical analysis of the FBI, cites this example:

> The FBI meticulously checked all persons connected with such depres-

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sion-period agencies as the WPA, and reported all cases in which it found an adverse record. An example was the case of a man who had been in the Rainbow Division in World War I, had been sent back to the United States after being wounded in battle, had lost his wife in childbirth, had gone from his home in Brooklyn to Detroit looking for a job, and had there bought a ring on the instalment plan and pawned it to raise fare for his return home. The young man was sentenced to prison and served time. This was his only offense. Twenty years later, the FBI traced his criminal record and reported it to the WPA, with the result that he lost his WPA job. In the meantime he had become a construction engineer, was the father of two grown daughters, and the head of his American Legion Post.

Test-Tube Detection

Not as well known as the Identification Division but equally important in furnishing the scientific solution of many crimes is the work of the FBI laboratory, established on a shoe-string basis in November, 1932. Large city and state police departments, of course, have their own scientific laboratories, but for many smaller departments the FBI laboratory is a godsend — and the final, authoritative word on the scientific evidence connected with a crime. By ballistics tests, guns can be fired and linked — or not linked — to a murder; a fleck of blood on clothing can be analyzed and identified as either human or animal; a bit of hair clutched in a dying fist can often be traced to the head from which it came; type specimens of virtually every known make of American typewriter, and many foreign makes as well, are indispensable in tracking manuscripts to their source; some 42,000 different watermarks help to identify and trace paper; treads of every tire turned out by Canadian and American manufacturers enable detectives to link a specific car to a specific crime. This is only a fragmentary list, but enough to show the importance of the emphasis Hoover has placed on the scientific side of crime detection.

In extension of this interest, the FBI director in 1935 established the National Police Academy. In its first twenty-one years, the academy gave training courses to more than 3,200 law-enforcement officials, and Whitehead's breakdown shows that 28 per cent of these have since climbed "to positions as executive heads of their departments with such titles as chief of police, sheriff, and state police chief." The training given by the Academy has been credited with raising the standards of local police work, and it has the additional advantage, from the FBI's standpoint, that the bureau acquires influential contacts in local departments. An important example of this is New York's Police Commissioner Stephen P. Kennedy, a product of the FBI school.

These scientific functions of the FBI under Hoover certainly represent major achievements. They have contributed greatly during the years to better law enforcement. This seems indisputable. It is, of course, the FBI's own view of its achievements; but in the scientific field, its claims appear valid.

Over-All Evaluation

What, then, is one to think in trying to reach some over-all evaluation of the agency? The FBI, as Cyrus Eaton said on the Mike Wallace show, has certainly had a "tremendous buildup." It has, indeed, "enjoyed wonderful propaganda and sold itself in a marvelous way." Recognizing this, is there any way to arrive at some sound, scientific basis for judgment?

There is just one important guidepost to the answer to this question. More than twenty years ago the Brookings Institution, of Washington, D.C., was hired by a Senate committee headed by Senator Harry F. Byrd, of Virginia, to make an impartial survey and comparison of all federal law-enforcement agencies. The institution's findings are to be found in a volume it published in 1937, entitled *Crime Control by the National Government,* written by A. C. Millspaugh of the Brookings staff.

Anyone who has become conditioned during the years to accept Hoover's statement that the FBI achieves from 94 to 97 per cent of convictions in its cases, a nearly perfect batting average, will almost certainly be shocked at the Brookings Institution's findings for the 1935-36 period. Instead of accepting the Hoover statement, the Brookings researchers cross-checked with the reports of federal attorneys, as incorporated in the U. S. Attorney General's own report, on the disposition of cases developed by the different federal detective agencies. It found that the FBI's record of convictions for the 1935-36 period was 72.5 per cent — trailing, in fact, the Narcotics Bureau, the Secret Service Division, the Alcohol Tax Unit, the Post Office Inspection Service and the Internal Revenue Bureau. The only agency that ranked below the FBI in percentage of convictions was the Customs Bureau, with 71.5 per cent.

Concerning the reliability of the FBI's statistics, Millspaugh wrote:

> For example, the Bureau of Investigation states that 117 persons were convicted in the federal courts in 1935-36 under the federal bank-robbery statute and only three persons were acquitted. In the same official report, the Attorney General's statistics show only 114 defendants tried for national-bank-robbery, only fifty-three convicted, and no less than thirty-one acquitted. Again, in his testimony before the House Appropriations Committee in January, 1937, the Director of the Bureau of Investigation stated that "the percentage of convictions obtained by the bureau in cases which we investigated was 94.35." Although this figure apparently represents the percentage of defendants who were not acquitted after trial, in order to obtain it the cases which were otherwise disposed of must be treated as if convictions had been obtained. As we have seen, the percentage actually convicted was 72.5.

The Brookings Institution pointed out also that the FBI's statistics on its own performance were greatly improved by the practice of taking credit for a tremendous amount of work performed by other agencies. A major factor for years in boosting FBI figures has been the recovery of stolen automobiles that have been driven or shipped across state

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lines. Relevant to this, the Brookings Institution sharply criticizes the bureau's 1935-36 figures, as follows: "In a considerable number of cases attributed to federal agencies, a part — in some cases a substantial part — of the work of investigation, apprehension and collection of evidence is performed by other law-enforcement agencies, federal, state and local. For example, of the 3,905 convictions reported to have been obtained by the Bureau of Investigation in the fiscal year 1936, 1,570 or 40.2 per cent were under the National Motor Vehicle Theft Act; and it would seem that in many cases substantial assistance must have been rendered by state and local law-enforcement officers."

In one prophetic paragraph, the Brookings report turned a searchlight upon the question of propaganda. "In order to obtain the appropriations which they consider necessary, a law-enforcement agency, like any other administrative service, finds itself between the horns of a dilemma," Millspaugh wrote. "On the one hand, it must reveal tangible accomplishments; on the other, it must show its inadequacy. It must report progress, but not too much; for, if it demonstrates that its problems are disappearing, it will be arguing in effect for a cut in its appropriations. Government bureaus rarely do that."

Need for a Menace

In other words, to justify a huge police bureaucracy, there must always be a menace. If one menace is killed off, or nearly so, it is vital to the cause of self-preservation to convince press, public and legislators that it has been replaced by another that is even more dangerous. The FBI shifts of emphasis in the years since the Brookings report was issued underline the prescient nature of the researchers' observations. The kidnaping menace was supplanted by the bank-robbery menace; this in turn yielded the stage to sabotage and espionage; and these were supplanted by the menace of internal subversion. And now juvenile delinquency and, just possibly, the interlockings of really big-league crime offer new and fertile fields of endeavor.

The technique employed by Hoover in shocking the public into awareness of the current menace was analyzed by Millspaugh in two biting paragraphs, buried far in the back of the Brookings report, that escaped the attention of the press at the time and seem to have been almost ignored. They read:

> The Director of the Bureau of Investigation referred in March, 1936, to the "armed forces of crime which number more than three million active participants." Three months later he stated that "the criminal standing army of America" numbered 500,000, "a whole half-million of armed thugs, murderers, thieves, firebugs, assassins, robbers and holdup men." About six months afterward he gave the total criminal population as 3,500,000, and the number of crimes as 1,500,000. Five months later he stated that 4,300,000 persons were engaged *by day and by night* in the commission of felonies, and estimated that 1,333,526 major felonies were committed in the United States during the year 1936. In these estimates, he refers only to major infractions and disregards "the millions of petty crimes which are often not even reported, the pilfering of possessions from an automobile, the theft by a servant of a few dollars, the filching of supplies from commercial houses, the stealing of trinkets from the desks of office employees."
>
> What is the basis of his estimates of the criminal population? Presumably, convictions and records of arrest. In an address about a year ago, he stated that "the files of the Bureau of Investigation show that there are actually three million convicted criminals. Beyond this there are enough more with police records to demonstrate that an average of one out of every twenty-five persons in the United States of America has at least had his brush with law-enforcement agencies and is inclined toward criminality." In the same address he declared that "there are today in America 150,000 murderers roaming at large"; but it appears from the Uniform Crime Reports [issued by Hoover's own FBI] that in 987 cities with a total population of 35,450,666 the police were cognizant of only 3,582 cases of criminal homicide, and, of these, 2,936 or 81.9 per cent had, according to the police, been cleared by arrest.

This analysis would seem to demonstrate in devastating fashion that, when the director of the FBI takes the stump to expatiate on the horrors of crime, he gets carried away by his theme until his figures lose all contact with reality. But this, of course, is precisely the point. The infallible policeman should never be out of touch with reality. Just how often such exaggerations have been accepted by press and public as gilt-edged facts because Hoover uttered them, it is impossible to say; for, in the last twenty years, there has never been another thorough and impartial study like the Brookings survey and the record that has been accepted is the record as the FBI says it is. One indication, however, that FBI figures should still be subjected to critical evaluation was provided by *The New Yorker* magazine in the spring of 1958. The publication had been shocked by a headline in *The New York Times* reading "Youths Charged with Nearly Half Major Crimes in '57, the FBI Reports." The headline was based on the FBI's annual crime survey in the nation, and a little deductive reasoning by *The New Yorker* developed this picture:

> If you took a "group of serious crimes classified separately—murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft," the FBI reported, "those under eighteen made up 47.2 per cent of persons arrested for such crimes."
>
> "Separately" to us seemed to mean "singly," or "one by one." We were astonished that JDs [juvenile delinquents] had committed 47.2 per cent of all murders, 47.2 per cent of all aggravated assaults, and the rest. In the next paragraph, though, it developed that "separately" referred to "group of serious crimes," which was to be considered separately from another group of (more, less, equally) serious crimes, not listed. In the group of serious crimes separately considered as a group, the FBI had taken the percentage of persons arrested for each type of crime who were under eighteen, and then averaged all the percentages. Sixty-seven per cent of the persons arrested for auto theft during 1957, for example, were under

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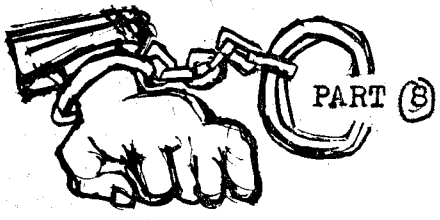
eighteen. Auto theft is and has always been a typically adolescent crime; adolescents take autos because they are too young to own any themselves or to have driving licenses, and in most cases the autos are found within a week. Thus the 67 per cent figure is not very exciting news. Six per cent of the persons arrested for murder were under eighteen. If you average 67 and 6, it is plain that 36.5 per cent of the persons arrested for auto theft and murder, considered separately as a group of serious crimes, were under eighteen. This sounds more ominous; the 36.5 might give the fast reader an impression that one out of every three murders, like one out of every three auto thefts, was committed by a JD. Actually, if you cut burglary — which technically includes breaking into a locked summer house at the shore — larceny, and auto theft off the end of the separately considered group, the JDs come out inconspicuously. For instance, they have been arrested for 9 per cent of all aggravated assaults (which is far too much, of course), but that doesn't make as good a subhead as "nearly half." The facts are disquieting enough; nobody has to improve on them with statistics.

Such are the elements that must be considered before one concludes that the FBI is incapable of fault, incapable of serious errors in the name of justice. If the evidence is insufficient to pinpoint precisely the exact degree of the bureau's reliability and efficiency, it is certainly abundant enough to indicate that the FBI, especially with its own flagrantly active publicity setup, should not be accepted blindly at its own evaluation. And the exaggerations in which it and its director have indulged would indicate that a degree of caution—a quality noticeably absent in the attitudes of the American press and public — should be brought into play before the FBI is put upon a pedestal above the Supreme Court.



THE BIG ONES GET AWAY

ON SEPTEMBER 29, 1935, J. Edgar Hoover announced, in the words of *The New York Times,* "a national campaign against racketeers comparable to the successful drive against perpetrators of violent crimes." Hoover had just returned to Washington from a "bird-dog expedition" to New York, where he had spent several days sniffing out possible violations of federal law. The rackets, he estimated, were costing New York businesses alone $50 million annually. A blanket of super-secrecy was being thrown about the new FBI racket drive, *The Times* reported, but agents all over the country were sending information to headquarters. In May, 1936, in the flush of victory after his personal capture of Karpis, Hoover denounced "the link of the so-called underworld to politics," which he said was the real "Public Enemy No. 1." And later in the same month, announcing that only one kidnaper remained at large, he indicated again that the G-men were going to concentrate on the big rackets and racket ties to politics.

On June 11, 1958, Hoover's new chief in the Justice Department, Attorney General Rogers, declared in a speech in Chicago that crime was costing the country $20 billion annually; organized rings, he said (telling the public nothing that hadn't been reported in eight-column headlines for years), were reaping a harvest by maintaining remote control over lucrative rackets. The Department of Justice, however, was going to set matters straight; it had undertaken a long-range campaign aimed at wiping out syndicates and jailing top racketeers.

In the context of these two statements, separated by more than twenty years, it seems fair to ask: What happened in the interim?

The inevitable answer has to be: Not much.

The FBI scored its greatest successes over the stumble-bums of crime — the trigger-happy desperadoes, the vicious kidnapers who were usually lone wolves and often rank amateurs. But with rare exceptions — Al Capone and Lepke Buchalter are two — it did not curb the dark emperors of the underworld. In these years of the FBI's dominance, the Syndicate perfected an organization that gave gangland virtual status as a forty-ninth state. Frank Costello reigned untouched until his nervously twitching fingers were exposed to the gaze of millions by the Kefauver Committee's television cameras. Even after his downfall, the Syndicate continued doing business as usual. It cut itself in on the lush Las Vegas gambling revenues. It went into virtual partnership with Dictator Fulgencio Batista in Cuba. And in November, 1957, it demonstrated the extent and nature of its organization by rallying sixty mobsters to a national crime conclave in a hilltop mansion at Apalachin, N. Y.

The evidence seems indisputable that, whatever happened to the stooges, the real powers of the underworld flew high, wings unclipped

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by the FBI. This is a picture shockingly different from the publicity-induced image. Didn't Attorney General Cummings proclaim in the thirties that the FBI, with its broadened powers, was going to get the big shots of the underworld? But, as was pointed out at the time, his conception of what constituted a big shot was schoolboyish.

Enter the Syndicate

The extensive powers bequeathed to the FBI by the first Roosevelt Congress in 1934 were predicated upon the idea, valid enough in itself, that crime was becoming interstate in character; that the automobile and the airplane gave gangsters mobility, enabled them to commit a crime and then hop across state lines to far-distant hideouts. For this reason, the FBI was specifically given jurisdiction in cases in which a person crossed a state line to avoid prosecution or to avoid giving testimony — a sweeping provision that, it would seem, would cover a multitude of cases and would embrace, if the effort were made, most of the major activities of the Syndicate.

But Attorney General Cummings and Hoover himself weren't so much concerned at the time with the secretive and important machinations of the underworld; they were preoccupied with the obvious, the sensational, the spectacular. In speech after speech, Cummings proclaimed the thesis that huge underworld gangs had been built up by bootlegging millions in Prohibition days, which was true; and that these gangs, deprived by repeal of bootlegging as a source of livelihood, were turning to kidnaping — a patently false and ridiculous theory.

As Milton Mayer pointed out in his *Forum* article:

> Kidnaping is largely an amateur sport. Unlike bootlegging, it is desperate and dangerous. It attracts two kinds of men: nuts and the kind of person who shoots up banks. It does not attract the kind of man who peddles illicit goods or murders fellow hoodlums for hire under the tolerant eye of both police and public. "Good" criminals, the foundation blocks of the underworld, avoid it because it is a one-shot racket; kidnaping is easier to solve than any other major crime; the life of a "kidnaping gang" has never been shown to be more than one kidnaping.

William Seagle in *Harper's* phrased the same thought this way: "The opinion of at least the New York Police Department is that kidnaping is an amateur crime, and this impression is certainly borne out by most of the front-page stories of kidnapings. . . . It is true that the record of the Division of Investigation of the Department of Justice has been very brilliant in the kidnaping cases in which it has assumed jurisdiction. But it has been conveniently forgotten that the record of local police forces has been brilliant too, the Lindbergh case to the contrary notwithstanding."

Business As Usual

Time has proved the validity of these analyses. The famous kidnapers were not the big names of the underworld. Hauptmann was an impoverished carpenter; Angelo John LaMarca, recently executed for the kidnap-murder of the Weinberger baby on Long Island, was an impecunious laborer driven to the border of insanity by the crushing pressure of debts. The record of the years makes it obvious that the dreaded powers of gangdom, the men who directed vast enterprises and held life and death in their hands — Lucky Luciano, Vito Genovese, Costello, Joe Adonis, Dandy Phil Kastel, Albert Anastasia, Meyer Lansky — never were so stupid as to mess with a cheap thug's crime like kidnaping. While the FBI was garnering its headlines with its successful pursuit of kidnapers and its gun battles with the Dillingers and the Floyds and the Nelsons, the really big-league operators of the underworld continued to amass their untold millions, their rackets in such lucrative fields as narcotics, the numbers, bookmaking and gambling casinos that rivaled the plush of Monte Carlo—and ran as openly.

Some of these enterprises, of course, were intrastate in nature and so beyond the pale of federal prosecution. But many more were not. Indeed, it would seem that the majority of the Syndicate's maneuvers violated the sanctity of state lines and made it, in one way or another, a sitting-duck for federal police agents really eager to join battle with the masterminds of crime. For example, it is a virtual axiom in law-enforcement circles that the big gang murders of the last twenty years have involved cross-continental planning. If a Bugsy Siegel is to be bumped off in California, a Willie Moretti in New Jersey, an Albert Anastasia in New York City, it is a cinch that the triggerman is not a home-grown product, but an imported expert who runs little danger of recognition. And once the bloody deed is done, the murderer hops car and plane and is speedily away, not across one state line but many. No clearer opportunity could be offered — under the provision of crossing state lines either to escape prosecution or to avoid giving testimony — for the vigorous entry by the FBI into the difficult field of big-time criminal prosecutions, the kind of prosecutions that would really matter. Yet the FBI, which has built up its statistics with the stolen cars recovered in interstate commerce, has seen fit only on extremely rare occasions to inject itself into the hunt for interstate syndicate murderers.

Capone an Exception

One of the notable exceptions was Al Capone. The notorious czar of Chicago gangdom had ruled untouched throughout the Prohibition era, and his mob had chalked up a gory tally of more than 200 murders before the FBI, in 1929, put the first crimp in his career. The immediate reason for intervention was that Capone had failed to answer a subpoena to appear as a witness in Chicago in a Prohibition case. Capone argued, with a doctor's affidavit to support him, that he had been too ill to appear; but the FBI's investigation showed that, at the time he was supposed to have been bedridden, he had been enjoying himself at the races and even taking off by air to the Bahamas. A contempt of court charge was lodged

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against Capone, the first of numerous legal troubles. He was subsequently arrested for carrying a gun in Pennsylvania, and the sleuths of the Internal Revenue Service ultimately put the seal on his career when they nailed him on an income-tax rap and sent him up for ten years.

Capture by Radio

The other exception to the FBI's generally inconsequential record in the field of big-league crime is Louis (Lepke) Buchalter. Lepke's had been a dread name in the New York underworld for years; he sat in the inner council of Eastern crime; his mob reputedly extorted a million dollars from the bakery industry alone. Yet he had led the charmed life of the untouchable until, in the late 1930s, Dewey began to ride herd on the New York rackets. Dewey wanted Lepke's scalp in the worst way, and the city of New York posted a $25,000 reward for his capture. Even with this inducement Lepke wasn't to be found, and it was obvious to any schoolboy that he was a fugitive beyond the pale of New York's jurisdiction. And so the FBI stepped in. It announced it, too, would pay $25,000 if information leading to Lepke's capture came to it *first;* otherwise, all it would dish out would be its standard $5,000 reward for the apprehension of a top fugitive.

This was the situation when Walter Winchell came to the aid of Hoover. He pleaded on his radio program for Lepke to give himself up. The indications are that Lepke, fearing the feds less than he did Dewey, was only too happy to oblige provided he could make a deal. He contacted Walter Winchell, was assured he wouldn't be double-crossed by being handed over to Dewey if he surrendered, and so on August 24, 1939, at a designated rendezvous, Lepke walked up to Winchell's car, sat down beside the columnist and was driven away to be delivered personally to Hoover.

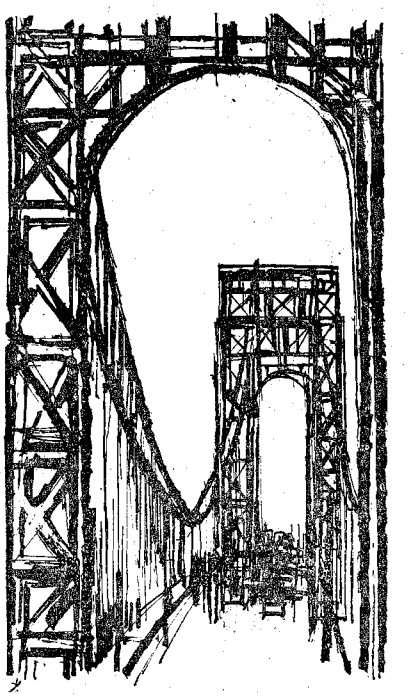
Federal agents questioned Buchalter for hours and finally held him on a narcotics rap. New York's Mayor Fiorello H. LaGuardia and the local gendarmes were furious because they learned of these interesting developments only by reading their morning newspapers. Dewey, too, was considerably put out because his detectives were firmly barred from the presence of the prisoner. The only way he could get access to Lepke, Dewey was told, was to develop some charge that would take precedence over the federal narcotics case. Ultimately, Dewey did just that. He had Lepke indicted for murder, tried him, convicted him and sent him to the electric chair in Sing Sing.

To generations reared in the comfortable belief that the FBI represents the Nemesis of crookedness in every form, it may seem incredible that the scalps of Al Capone and Lepke Buchalter represent virtually the only exhibits the bureau has to offer in the really top echelon of crime. But so it is. The names of Costello, Adonis, Luciano, Anastasia do not even appear in *The FBI Story*. Yet the national ramifications of the Syndicate would seem to have offered some ideal opportunities for an alert and eager federal law-enforcement agency to lay some major demons by the heels. Take, for example, the history of the interstate New York-New Jersey gangland operation that ran brazenly, openly, in utter contempt of all law, during the entire decade of the 1940s.

Bridge to Crime

The peculiar geography, the colossal wealth and the temporary political climate of New York City were the factors that led the Syndicate to create a bi-state capital of Eastern crime. Dewey and La Guardia had made Manhattan uncomfortable for the hoods; William O'Dwyer in Brooklyn picked up the Dewey formula of crusading to political success and exposed the macabre, incredible story of Murder Inc., the enforcement arm of gangdom. O'Dwyer's probe stopped at the threshold of the throne room where Albert Anastasia, known throughout the underworld as the Lord High Executioner, ruled the sadistic thugs of Murder Inc. It was a strategic pause that made O'Dwyer no less a local hero and that naturally gratified the only slightly-inconvenienced Anastasia.

The boss of murderers moved his operations just a short hop away, across the George Washington Bridge to northern New Jersey where, atop the beautiful Palisades, he set up home and shop. Joe Adonis, another major power in the Brooklyn rackets, joined him there, and the activities of this grim pair were supplemented by two ambassadors of crime who already had been tilling the Bergen County pastures — Willie and Solly Moretti, widely and justly famed as smoothies with solid-gold local contacts.



The setup was perfect for the Syndicate. New York throughout the forties was bulging with the financial loot of war profits and post-war boom. The Syndicate could not be expected to let such a fat cow go bleating in pain from not being milked, especially when the solution was so ridiculously easy. A string of gambling casinos was established throughout the Bergen County countryside, a fleet of gleaming Cadillacs with liveried chauffeurs was maintained in New York, and nightly the Cadillac parade crossed the bridge to Jersey, ferrying the well-heeled suckers to the Syndicate's houses of lost chance.

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This interstate traffic was not a secret. Mayor LaGuardia, his voice rasping on the radio, proclaimed frequently that the "tinhorns" (what a misnomer!) had been driven "across the bridge to Jersey." Newspapers headlined the fact. On one occasion, during the gasoline-rationing days of World War II, federal agents from the Office of Defense Transportation checked up on the suspicious stream of Jersey-bound Cadillacs and found themselves being led right to the door of a gambling hall. This was a much-publicized discovery, though of course all the gambling paraphernalia had been whisked away by the time Jersey cops poked dilatory noses into the scene.

Banking the Haul

Nothing happened to interfere with the gangland paradise in New Jersey's Bergen County, fed by literally millions in revenue from the sidewalks of New York. And very probably nothing would have happened to this day, had it not been for the fortuitous combination of two nearly simultaneous probes — one conducted by District Attorney Frank S. Hogan in New York; the other by Senator Estes Kefauver, whose crime committee picked up Hogan's sensational discoveries and catapulted them into the headlines.

Hogan, of course, is strictly a local prosecutor, with no authority at all in New Jersey. But in the summer of 1948 his curiosity was aroused by a Park Avenue charity gambling party that seemed to have professional overtones. He ordered an investigation. And his staff came upon the trail of one of the most fabulous money men in criminal history.

He was a three-chinned check-casher named Max Stark, of Teaneck, New Jersey. The Manhattan charity gambling checks had been deposited with Stark, but they represented little more than nickel-and-dime business, as Hogan's detectives quickly realized when they began to examine Max Stark's bank account. This looked almost like a page torn from the federal ledger. The detectives learned that daily Max Stark would descend upon the Merchants Bank of New York with a sack of crumpled, sweat-stained greenbacks —the haul from the previous night's losing agony in the Syndicate's Jersey halls of chance. It was a poor day when Stark showed up with a mere $30,000 in cash to be sorted and tallied; often, he lugged $90,000 through the bank's doors in a single morning. Handling this tidal wave of currency tied up the operations of the branch bank to which Stark first repaired to such an extent that little other business could be transacted, and arrangements were made with Stark to transfer his business to the main office, where a special teller was assigned to his exclusive use. After all, the Merchants Bank had to be polite to Max Stark, for there were just 20,000 shares of bank stock outstanding — and Stark held 2,000 of them!

Fantastic as this daily cash transaction sounds, it was only half of the Max Stark story. For Hogan's investigators found that Stark's check business rivaled his cash business. In the twenty-five months from July 1, 1946, through July 31, 1948, he had banked $6,810,847 worth of checks. When Hogan's fiscal experts added a conservatively estimated $200,000-a-week flow of cash to Stark's check business, they came up with a minimum figure for the gambling play in New Jersey: $13,500,000 a year. Actually, Hogan believed, the total wagered annually in the Jersey casinos was probably closer to $20 million.

3,000 Telephones

And even this was only part of the story!

In addition to gambling casinos, the Syndicate's master bookmaker, Frank Erickson, established payoff headquarters for the nation in the well-protected Bergen County paradise. To handle the tremendous betting on the horses, Erickson's agents rented the phones of some 3,000 householders in the county. They would call each afternoon, use the phone for a few hours, and depart as quietly and unobtrusively as they came by the time the family was sitting down to the evening meal. For accommodating such gentlemanly businessmen, each householder was paid a weekly phone rental of $50 — a seemingly bounteous reward for a courtesy that could hardly be described as entailing even a minor inconvenience.

Board of Directors

It is obvious that the management of such vast enterprises required skillful direction. After all, General Motors does not run without board meetings and staff conferences; neither does crime. Hogan's detectives, by much careful and peripheral sleuthing, ultimately established to their satisfaction that the Syndicate had set up a daily-functioning Council of Five that administered the affairs of crime from a closely-guarded inner sanctum in the now-defunct Duke's Restaurant in Cliffside Park, almost opposite the entrance to the Palisades Amusement Park.

Joe Adonis was chairman of the board, and his fellow councilors were the Moretti brothers, Albert Anastasia and Anthony (Tony Bender) Strollo, a power on the Jersey docks and in New York's Greenwich Village area. When major decisions were to be made, underworld minions would be summoned from New York and New Jersey; they would congregate in the bar and while away the hours while the Council of Five deliberated, decided and ultimately issued its orders. So autocratically did Adonis and his fellow chieftains operate that frequently three times as many hoods would be summoned as were needed — just to make certain that the right men were present to handle any chore that might arise.

This governing nerve center of gangdom was as well known to the minions of the underworld as the corridors of City Hall are to the ward heeler. Protected by a security screen worthy of the FBI itself, Duke's became famed as a secure haven to masterminds of crime across the nation. Frequently, when major decisions were to be made, Costello would be chauffeured across the bridge from New York to meet with the Council of Five. Or Abner (Longie) Zwillman, the old bootleg

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czar, would drive over from Newark. Or Meyer Lansky would fly in by plane from his swank gambling casinos in Hollywood, Florida and Saratoga Springs, New York.

Getting the evidence on such a well-protected capital of the underworld wasn't easy. So solid were the Syndicate's local contacts that Hogan's detectives, trying to watch the homes of some of the gang lords along the Palisades, actually were chased out of town by local police. Treasury agents on similar missions also found that the law wasn't on their side. Watchful local cops spotted them the instant they poked their noses into Bergen County and tailed them until they left the scene. Such handicaps were overcome by Hogan's office in a patient and dogged investigation that lasted for months. Witnesses who had played and lost in the Syndicate's gambling halls were summoned before a grand jury; more than 700 pages of detailed testimony finally were amassed. Even so, with ironclad evidence in his possession, Hogan had only a slim legal entering wedge that, just possibly, might justify criminal action — the charge of conspiracy to commit a crime in another state.

Kefauver's Exposé

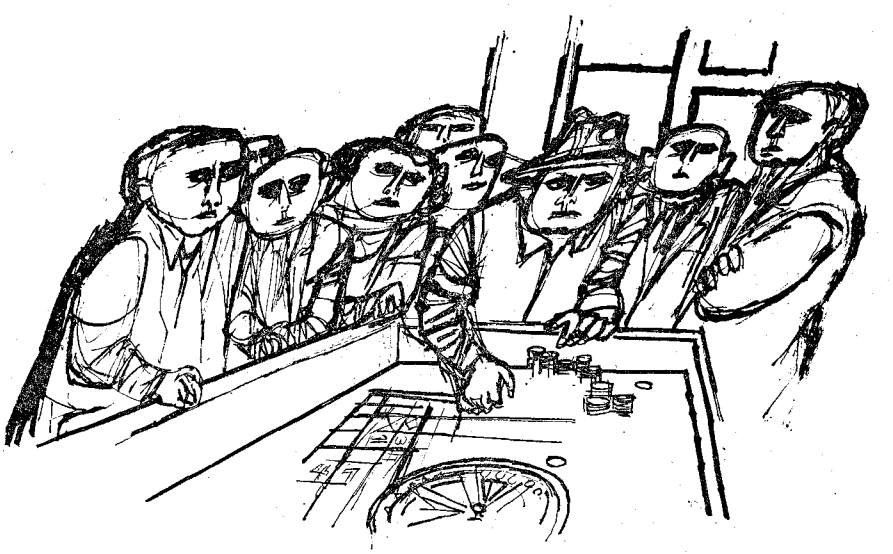
This was the situation when, in 1950, Kefauver focused a spotlight on the ramifications of big-league crime. He picked up and highlighted Hogan's reports on Max Stark's multi-million-dollar check-cashing business. He threatened to bring his investigation into New Jersey. Thus menaced, Jersey cleaned up. Using Hogan's records, it indicted Joe Adonis, Solly Moretti and some of the lesser gambling henchmen. Willie Moretti, incensed at the imprisonment of his brother, threatened to blow the lid off the ties between the mob and politics. He declared that a payoff of $228,000 had gone directly to the State House in Trenton in one period of nineteen months. Not long after he committed this verbal indiscretion — it was on October 4, 1951 — Willie Moretti went to a late-morning rendezvous in a public restaurant with some supposed friends; and when the waitress and help weren't looking, one of the "friends" placed the business end of a gun close to Willie's noggin and blasted him into eternity.

Cars with New York license plates were seen driving from the site of the public execution, fairly reliable evidence of the interstate nature of the crime; but from that day to this, no law-enforcement agency on any level has exhibited any great eagerness to track down the slayers of Willie Moretti. The crime remains unsolved — an ending that can be written almost automatically whenever the top powers of gangdom execute one of their own.

Twilight of the Gods

The Kefauver exposé raised havoc with the rulers of the Eastern mobs. After Willie Moretti was murdered, his brother Solly died in prison; Joe Adonis came out of jail only to be deported; Costello ran afoul of a contempt rap and then an income-tax evasion charge; Frank Erickson went to the pen; and Albert Anastasia, the dark emperor of death, jailed briefly by the Treasury tax sleuths, gained his freedom only to become, on October 25, 1957, the victim of his own copyright. In the bright light of that fine autumn morning, Anastasia was reclining in a barber's chair in a midtown New York hotel when two fast-stepping gunmen strode in from the lobby. They walked up behind the Lord High Executioner and gave him the works from two fast-talking gats. Then they strode out again, discarded their guns, became lost in the subway crowds. The guns, later recovered, were traced back to Illinois, to the suburbs of Chicago where the old Capone mob still rules. The mute evidence of the murder weapons would seem to italicize again the interstate nature of Syndicate murder, would seem to indicate that the killers, mission completed, had probably hopped the New York state line for the good old purpose of escaping prosecution. Yet the FBI has shown no public disposition to ride to the roundup as it did in the days when it envisioned kidnapers and trigger-happy gunmen as the great menaces to the republic. And Anastasia's murder, like Moretti's, like the legion of murders that preceded them, remains unsolved.

Now no one supposes that the FBI is in complete ignorance of the facts of life in the underworld, of the organization of the Syndicate. Definitely, it knows — and knows in great detail — the names of the underworld barons, their ties, their interests. Some years ago, for example, its dossier on Anthony (Tony Bender) Strollo ran to three fat manuscript tomes, each thicker than *Gone With the Wind*. More recently, in May, 1957, when the underworld made an abortive attempt on Costello's life, one of the compelling reasons for the shooting was that the Syndicate feared the FBI was learning too much. Costello was temporarily out of prison and was much aggrieved because the boys, instead



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of according to him his old authority, had virtually read him into limbo as a man too hot to direct the affairs of state. In his cups in one of his favorite East Side hangouts, Costello couldn't refrain from muttering to a very dear friend about the injustice of it all. The element that he hadn't considered, astute as he is, was that his particular friend was also a particular friend of J. Edgar Hoover. The underworld through its own grapevine learned that Uncle Frank was babbling—and bounced a bullet off his skull as a pointed warning to him to shut up. Such incidents show that the FBI is well-informed about the major operations of gangdom. And, equally, they throw into startling relief the FBI's uncharacteristic silence, its apparent failure to turn all its batteries on the real masterminds of organized crime.

Apalachin Conclave

Probably no incident of recent years has underlined so graphically the FBI's role as a virtual spectator of gangland crime as the Apalachin conclave on November 14, 1957, just three weeks after Anastasia's murder. Obviously, when a power like Anastasia, with the vast interests of an Anastasia, is suddenly erased from the gangland scene, a vacuum is created. Obviously, the Syndicate could not tolerate such a vacuum; obviously it had to straighten out its organization, delineate new territories and new spheres of influence. The result was the convention of sixty top gangland figures.

This by now famous meeting took place in the hilltop mansion of Joseph Barbara, Sr. Any skeptics who doubted the sweep of gangland power and its close-knit organization must have been convinced of the reality of the Syndicate by the impressive evidence furnished by the list of delegates.

Representatives were present from the Eastern Seaboard, from the Midwest, from California, from Cuba, from Puerto Rico. And at least two were recent arrivals from Italy, where they were believed to have had contact with the international narcotics czar, the notorious Lucky Luciano.

The mere fact of Apalachin was enough to trigger investigations that continue today, nearly a year later. And the mere fact has been almost all there was to go on. Almost no evidence was gathered, for the mobsters were startled into premature flight and, ever since, efforts to put them under oath and make them talk have demonstrated merely how firmly they could wrap themselves in the Fifth Amendment. Yet the mere knowledge of Apalachin, the public outcry that it raised, has been important. And even this little we would not have had except for a New York State police trooper, Sergeant Edgar L. Croswell, who became suspicious when he found too many out-of-state Cadillacs parked at motels. Croswell rounded up a force of state troopers, got the help of a couple of Federal Alcohol Tax Division agents, and started setting up a roadblock. It wasn't the best way to find out what the mob was planning, for it flushed the quarry too soon. But it did demonstrate clearly, for all to see, the monstrous fact of the multi-million-dollar controlled conspiracy of the underworld.

In the wake of Apalachin came the usual spate of suggestions about what could be done to curb the mob. The New York *Herald Tribune* felt that the FBI ought to be able to do the job and that the only reason it hadn't was that it lacked men and money. Even the *Herald Tribune* acknowledged, however, that "Congress has never yet refused anything J. Edgar Hoover said he had to have. Let him demand the funds to take on this job. Let Congress provide them, plus stronger laws on national crime." The McClellan Senate Rackets Committee drew the usual clam-up from Apalachin gangsters and listened to a number of police experts expound on possible remedies. The committee itself seemed to lean toward the formation of a permanent federal crime commission to keep track of things, and some of the expert witnesses acknowledged that such a body would be valuable if it just clipped the newspapers and collected racket intelligence so that the FBI, the Secret Service, the Alcohol Tax Division and the Bureau of Narcotics could be informed quickly when gangsters were committing violations in their jurisdictions.

The Silent Bugle

All of these years-late proposals might not have been necessary, it would seem, had the FBI exhibited the same fervor in pursuing the bigshots of gangdom as it did in building up its record against the lower-rank hoodlums in the thirties. After all, the FBI budget today runs to more than $100 million annually, some twelve times what it was just prior to the outbreak of World War II. And, after all, it didn't take Apalachin to demonstrate the reality of what the *Herald Tribune* calls the Invisible Government. The Syndicate had flexed its muscles in public more than ten years ago when it practically annexed Bergen County to the underworld, when brazenly and openly it ran a nightly interstate business for fat-cat gamblers. All of this must have been obvious to an agency so well-informed as the FBI; and as the *Herald Tribune* says, Congress never refused J. Edgar Hoover anything. All that was needed was for the infallible policeman to sound the clear bugle call for the charge. But instead of a call, there was silence.

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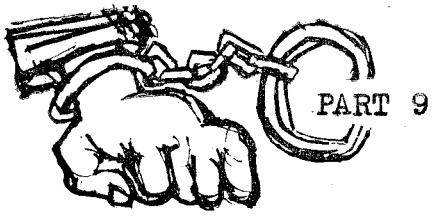

THE FBI HUNTS SPIES

THE TWENTY years since the FBI established its reputation by hunting down kidnapers and desperadoes have been among the most trying and turbulent in the nation's history. A swift succession of seemingly never-ending crises confronted the American public: World War II, with its global fighting, its bewildering shifts of allegiance and allies; the Cold War, in which there was no war and yet no peace, in which the ally of yesterday was the potential enemy of today and tomorrow; Korea, a futility in battle, a war that could not be won and yet must not be completely lost; and through it all, the threat of spies, sabotage and internal subversion.

These were years in which the FBI played a new and difficult role guarding the immense maufacturing plants of the arsenal of democracy against sabotage, watching over the nation's military and security secrets in a constant duel of wits with foreign spies.

At least in a tentative way, the FBI entered into this new phase of its operations as the nation's watchdog long before World War II broke out in Europe. Whitehead, relying on memoranda and personal recollections of Hoover — details that, he says, never before have been revealed — traces the origin of the FBI's new responsibilities back to the morning of August 24, 1936, when President Roosevelt summoned Hoover to a conference at the White House.

Roosevelt's Concern

Roosevelt was concerned about the increasing activity of Fascist and Communist organizations. He felt that his information about their aims and actions was inadequate, and he wanted a secret, quiet investigation by the FBI to find out what these groups were doing. In the light of later events, it seems ironic and worthy of special emphasis that Roosevelt's major concern at that particular moment (according to the Hoover-Whitehead version, at any rate) appears to have been not with Fascist sympathizers, but with the Communists. The name most prominently mentioned at this initial conference, Whitehead reports, was that of Constantine Oumansky, counselor for the Soviet Embassy. Roosevelt was frankly disturbed by reports that Oumansky was rarely to be found at his desk in Washington; that he was constantly on the move, flitting all about the nation. The President felt that it was especially important to learn whether this strange activity of Oumansky had any possible connection with his role of foreign diplomat or whether it indicated a far more devious purpose.

Other conferences followed to clear away jurisdictional red tape and give Hoover authority to proceed with a quiet investigation of possible subversive groups. This was the start of a new trend that was to occupy more and more of the FBI's attention as the darkening shadows of World War II in Europe cast their menace over our shores. Such organizations as the German-American Bund, the Christian Front and the Communist Party came under the FBI's scrutiny and were the objects of its infiltration. As war neared, the possible sabotage of our defense plants, the certainty that spies would try to steal our most vital secrets, placed additional burdens upon the bureau, and its appropriations were constantly increased, its staff of agents constantly and swiftly augmented.

A mere glance at the budget figures tells part of the story. The FBI, which had operated on a $2,689,262 budget in 1932, was boosted to $6,533,776 in 1939 and to $43,039,542 by the end of the war in 1945. News items during these years made constant reference to the expanding force of agents, who were hired by the hundreds and specially trained in FBI schools on methods of combating spies and saboteurs.

One of the first products of this stepped-up campaign was a report prepared by Hoover's agents in 1938 and 1939 on the activities of the German-American Bund. The fourteen-volume study revealed that the Bund had a membership of between 6,600 and 8,300; that Fritz Kuhn, its leader, had participated with Adolf Hitler in the abortive Munich beer-cellar *putsch* of 1923; that it conducted military drills without the use of firearms, raised and lowered the Swastika and the Stars and Stripes together at Bund camps and made German mandatory speech in Bund schools. The report was the first step in a campaign that led to the eventual breakup of the group.

Spy Cases Increase

As war neared, the number of espionage cases mushroomed. On May 18, 1939, Hoover told the House Appropriations Subcommittee that spy cases had averaged about thirty-five a year prior to 1938, but that 634 cases were investigated in 1938 and he anticipated about 772 in 1939. By June, the United Press was reporting that "the government had mobilized the most extensive spy hunt since the World War" and that "more than 1,000 cases of alleged espionage are to be investigated." The news agency also quoted Attorney General Frank Murphy as saying that the United States was in "complete control" of the spy situation and that "only indifference or laxity would let the situation become more serious."

This assurance that all was well, that spies could never get past our guard, was a refrain that was to be repeated time and again during the war years; and the activity of the

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FBI seemed to justify it. Numerous spy cases were broken. One that exhibited the FBI at its skillful best occurred in 1940. William Sebold, a naturalized American citizen, returned from a visit to his native Germany an acutely disturbed man. His grandfather was a Jew, and while he had been abroad, the Gestapo had threatened to exterminate his relatives unless he agreed to become a German spy when he returned to the United States. Sebold pretended to agree. The Gestapo gave him the details of a secret code; he was trained in the use of short-wave radio and given instructions for the use of microphotographic equipment that he was to pass on to other German agents when he returned to America. Once back in this country, however, Sebold went directly to the FBI.

Baiting the Trap

Given this ideal opening wedge for counter-espionage, the FBI made the most of the opportunity. It instructed Sebold to play his role of Nazi spy to the hilt; it helped him in the stage-managing — and carefully baited the bear trap.

FBI agents built a short-wave radio station at Centerport, Long Island. From this station, on May 20, 1940, a message purportedly coming from Sebold was sent to the Gestapo station in Hamburg, Germany. The Gestapo was delighted. With contact thus established, FBI agents fed the Gestapo a string of spurious information. Each message contained a grain of truth—non-vital truth, as the FBI made certain by clearing the details with Army and Navy Intelligence officers in advance — and the Gestapo, deluded by the apparent success of its plot, never suspected the ruse. In return, it sent instructions and advice to Sebold, who was operating out of a mid-Manhattan office that the FBI had helped him procure to serve as a front for the spy ring.

Never was an office more thoroughly booby-trapped. A looking-glass on the wall was actually a one-way window through which agents could observe everything that went on in Sebold's office without themselves being seen. Through the same aperture, movie cameras, grinding away quietly in secret, filmed each unsuspecting visitor. Hidden microphones picked up every whisper and carried it to recording devices. For months, the FBI watched, identified, tailed the unsuspecting German spies. During this period, some 500 radio messages were sent back and forth to the Gestapo in Hamburg. So skillfully was the counter-espionage handled that even the feared agents of the Gestapo suspected nothing until the FBI sprang its trap.

The prize catch was Fritz Duquesne, a German agent whose spy career dated back to the early 1900s. Thirty-two others were corralled with him. All were prosecuted and convicted.

The Duquesne ring was the largest to be uncovered before Pearl Harbor, but it was not an isolated success. Again and again, the FBI demonstrated its ability to nip Nazi espionage before it could accomplish its purpose. The record that the bureau established in such cases was a proud one; but again — and only because the FBI has been glamorized into a superhuman myth — it is necessary to point out that there was another side to the story.

Case of the Seventeen

At the very time that the FBI was pulling off its striking success in the Duquesne case, it was demonstrating by the conduct of another investigation that it, too, could occasionally be led astray by investigative enthusiasm. This second case broke on January 15, 1940, when FBI agents, in carefully-synchronized raids, swooped down on seventeen members of a Christian Front Sports Club in Brooklyn. The details, as given out at the time by the FBI and the U. S. Attorney's office, were of the shocking, sensational kind that automatically makes eight-column headlines.

The seventeen arrested Christian Fronters, the government said, actually had been plotting the overthrow of federal authority. They had been stealing arms and ammunition from a National Guard Armory. They had been making bombs. Hoover, personally announcing the arrests, said that he had wanted to wait until the FBI could catch the plotters in some overt act, but that he had been compelled to move when he learned they were plotting to blow up a public building. William Gerald Bishop, the alleged ringleader, was described by Hoover as a man who intended to place a dictator in the White House. Bishop planned to accomplish this, said Hoover, by instituting a reign of violence and terror —blowing up bridges, seizing and destroying communications centers, confiscating the gold in government vaults. In seeming support of these allegations, the FBI detailed an impressively long list of the weapons seized with the plotters. It included such items as fifteen partly-made bombs, twelve Springfield rifles, four 22-caliber rifles, an automatic, a shotgun, 750 rounds of machine-gun ammunition, and 3,500 rounds of ammunition for the Springfields.

The roundup caused a great furor because of the possibility that the plotters might be linked to the Reverend Charles E. Coughlin, extreme right-wing clergyman of the era. Coughlin announced that he had repudiated the group, but letters written by some of the leaders spoke of the necessity of defending Coughlin "with the last drop of our blood," pictured the dangers of a Communist revolution in America and stressed that the only way to prevent this was to act the way Franco had in Spain.

The government's presentation of its case in the newspapers, backed by such supporting details, certainly carried conviction; no evidence could seem more air-tight. And so it should be a graphic object lesson for an age that has been indoctrinated to accept the headline sensations of Congressional committees as revelations of ultimate veracity to see what happened to the great Christian Front subversion case when it was submitted to the stress of trial, of cross-examination, of counter-evidence.

Impressive Evidence

The trial opened in Brooklyn Federal Court in April, 1940. In early testimony, the prosecution added impressive details to its case. One

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FBI agent testified that Bishop had bragged he had 174 New York City policemen who were ready "to join the revolution," that he had "300,000 men under arms in the United States." Another of the alleged ringleaders had suggested "knocking off at least a dozen Congressmen." The arsenal seized in the raids was introduced in evidence. Another striking exhibit was a film secretly made by FBI agents. This showed the Christian Fronters actually drilling with arms, sprinting across open spaces, flopping to the ground and practicing rifle fire. The mounting weight of evidence was impressive until the government ran into a couple of stumbling blocks — the activities of its own star informer and recordings that agents themselves had made of the plotters in conversation, verbatim transcripts that seemed to put an entirely different complexion upon the menace.

The informer was one Denis Healy. He belonged to a National Guard company. He had informed his commander the previous fall that he had overheard some subversive talk in the outfit and that he was going to the G-men. He had done so. Since the previous October, he had been on the FBI payroll, at first for $25 a week, later for $75 every two weeks. His wife, too, had been paid. In all, the FBI paid out some $1,300 to the Healys — compensation, it was explained, to reimburse them for loss of time from their regular jobs and to pay for expenses they had incurred in aiding the government.

The Lively Informer

These details, suggesting that Healys — compensation, it was exhave been so bad in themselves if Healy hadn't acknowledged under cross-examination that, in his enthusiasm for the cause, he had aided and pushed the plotters, helping to create some of the evidence against them. He admitted, for instance, that he had gone to his National Guard commander and, with his cooperation — Healy understood the FBI had paved the way for this — had borrowed rifle and machine-gun ammunition from the armory to give to the Christian Fronters. Even the ammunition used in the rifle practice the FBI had filmed hadn't been obtained by the plotters, but by Healy. He had used FBI funds to purchase it. He had used FBI funds, too, he conceded, to treat the conspirators well; they had dined on pheasant at $2.50 a head and they had been supplied liquor, all courtesy of the FBI. The testimony inevitably suggested overtones of the *agent provacateur;* the line began to become blurred between the activities the Christian Fronters had undertaken on their own initiative and those they had undertaken with Healy's active stimulation and encouragement.

This other-complexion of the evidence mounted when recordings of one of the conspiratorial sessions in Healy's home were introduced into evidence. Instead of proving the desperate character of the plotters, these transcripts seemed to establish only that they had indulged in a lot of wild talk while under the influence of liquor. The clinking of glasses was clearly audible. The voices became thick and maudlin. "I want to be a revolutionist, I really do," one of the plotters said, almost plaintively. Healy himself remarked to another, "You drink too much of that damned stuff." As the evening progressed, one of the bottles fell off the table with a loud crash, there was talk about "a girl with a little hat," and finally one of the desperate characters remarked: "Oh, God, I feel kind of lousy; give me a cigarette."

In addition to all this, the defense scored some telling blows in cross-examining FBI agents about the methods used to extract statements from the defendants. The FBI vehemently denied it had used anything smacking of the third-degree, but one agent conceded that the questioning had continued for fourteen uninterrupted hours, with the longest interval between questions "about four or five minutes." Another agent acknowledged that one of the defendants had been questioned continually and had had no food for eleven hours, and that he had complained of headaches. Defense lawyers charged, certainly with some show of truth, that such methods constituted at least a mental third-degree.

When the case went to the jury in late June, 1940, the fate of only fourteen defendants remained to be decided; one defendant had committed suicide in his prison cell, and charges against two others had been dismissed by the trial judge for lack of proof. The evidence against the remaining fourteen was weighed for 47½ hours, but the battle over the verdict did not indicate, as it usually does, great doubt in the jury's mind. The impression made by the government's case is clearly shown by the fact that, on the first ballot, nine of the jurors voted to acquit all of the defendants. The final verdict was a compromise. Eleven of the jurors wanted complete acquittal, but one holdout refused to go along with them on five cases. The result was that nine were acquitted, and the government was left with the necessity of re-trying the other five if it wanted to persist with the case. It didn't. All of the charges finally were dropped.

Plot or Provocation?

The moral is obvious. The initial flourish of trumpets on the day of the great roundup had quoted Hoover and, inferentially at least, had claimed the credit for Hoover. Yet the evidence at the trial brought out conclusively that this was a case with reprehensible odors. Granted that the Christian Fronters were a group of wildly-talking fanatics, there is a vast gulf between wild talk and the overt violence that menaces the republic. Yet the FBI, its thinking possibly prejudiced by the information it obtained from the informer Healy, failed to appreciate this vital distinction. It actually had put up the cash for the purchase of some of the ammunition, and Healy had obtained for the alleged plotters other items in the "arsenal" that was to be used against them as evidence. If this is not using an *agent provocateur* for entrapment, it is procedure that treads to the outer limits of the borderline. It is certainly procedure that does not accord with the popular image of the FBI as an agency so upright that it could never possibly

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violate accepted democratic principles of justice.

Keeping this in mind, let's take a look at the over-all FBI performance during the war years. The indications certainly are that, if the bureau's record wasn't the marvel of perfection its shouting partisans claimed, it was on the whole, by human standards, very good indeed. Hoover and the FBI were given jurisdiction throughout the Western Hemisphere. On two vast continents, their authority was supreme in tracking down spies and preventing sabotage. In the United States, Hoover devised a plant-security system that foiled the efforts of enemy agents. There were no repetitions of such disasters as the Black Tom explosion of World War I. On the human side, the record also was impressive. The dragnet raids that had caused such scandal in 1918 were not repeated. Checkups of draft violators were conducted quietly and sensibly, with investigations aimed at obtaining evidence against actual offenders before arrests were made. These were all signs of greater efficiency, greater respect for human rights. Many civil libertarians who, in the acrimonious days of 1940 had feared that the FBI was about to repeat the earlier abuses of its powers, breathed heartfelt sighs of relief.

The stature of the bureau as the perfect watchdog, the perfect guardian of our shores, was built up in year-by-year recapitulations by Hoover of his organization's achievements. On December 12, 1939, he told the Associated Press that "The internal security of the United States is better protected than at any other period of our national existence." In January, 1940, he told the House Appropriations Subcommittee that espionage complaints for the year might reach 70,000; and in what must be considered truly an astounding statement to anyone who, like a newspaperman, has been subjected to the unreliability of many seemingly good tips, Hoover declared that "comparatively few" of the leads furnished his bureau had been found to be without substance. Significantly, too, Hoover assured the House that the bureau had compiled a card index on all persons and organizations engaged in subversive activities so that, in the event of America's involvement in the war, they could be instantly identified and close tabs kept on them.

Success with Spies

Later in this same year, Hoover turned to authorship to assure the American public that all was well. On October 17, 1940, in a story carrying his personal by-line and copyrighted by the United Press, he said:

> The nation is safer from spies and saboteurs today than ever before. . . . The activities of spies and saboteurs have long been scrutinized. Their names and activities have been carefully indexed and filed geographically for future reference. Added to these are the names of leading agitators in the German-American Bund and Communist Party. Your government knows their identities and activities.

When Pearl Harbor plunged America into the war, the pattern continued unchanged. German spies and saboteurs, landed by submarines on our coasts, were caught before they could get into action, and Hoover, year by year, continued to claim credit for perfection. On October 9, 1943, in his annual report, Hoover presented some astronomical figures. He said his bureau had handled 390,805 national security matters during the year, a 50 per cent increase from the preceding year. "As in the past," he added, "a keynote of the FBI's work in this field was the prevention of espionage, sabotage and other activities inimical to the nation's security. . . . The only test of investigative efforts in this field is the absence of sabotage and futility of the efforts of enemy espionage agents."

Spies and saboteurs were being confounded with infallible success more than a year later. On December 30, 1944, Hoover reported, according to *The New York Times*, that there had not been one act of foreign-directed sabotage and that espionage efforts by the enemy had been kept under control. On February 11, 1945, Hoover repeated again that "espionage activity has been kept under control," but he conceded that he was worried because there was "no assurance that we are going to be as successful tonight or tomorrow."

These fears, evidently, were unfounded, for success still rode with the FBI, as the organization itself made clear in a story carried by the Associated Press from Washington on August 8, 1945. This reported that no sabotage had occurred at any of our atomic plants, although German spies here had had specific orders to get information on the A-bomb and uranium.

Guarding the Atom

Even more important than this assertion, especially in the light of future developments, was the claim advanced by the FBI that it had played a major role in guarding our atomic secrets. The FBI emphasized that atomic-plant personnel had been carefully checked for security by the bureau. "The FBI studied 269,303 applicants' finger cards for the 'Manhattan District Project,'" the Associated Press reported, "and found that 31,223 persons had crimi-

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nal records worth investigating by the Army, the spokesman [for the FBI] said. In addition, the FBI investigated every person employed by the atomic-bomb development."

The FBI's role in protecting the A-bomb secret was corroborated by other sources. For example, William A. Consodine, former deputy chief of Manhattan District Intelligence, spoke before the New Jersey Association of Police Chiefs in South Orange on March 5, 1948, on the difficulties we had had — and the success we had had — in keeping the A-bomb secret from the Communists. "We had no Jap spies to deal with, no German spies either," Consodine said. "The Communists kept us busy. They tried to work through the people in the project wherever possible. We were forewarned only by the complete reports of the people in the FBI. The FBI and other government agencies stopped Communist espionage dead in its tracks."

Words — and Events

This was the view of Hoover himself in his final and most dramatic pronouncement upon the subject. Speaking before the International Association of Police Chiefs in Miami on December 10, 1945, Hoover declared:

> Early in the war skeptics proclaimed that we were wide open to espionage. . . . The record is exactly the contrary. We knew from the very outset of the war that espionage was under control. . . . Foreign powers tried to steal not only the atomic bomb, but other military secrets. . . . The counterespionage program which we developed did more than encircle spies and render them harmless. It enabled us to learn their weakness and their aims.

The timing of this last statement by Hoover is one of the most remarkable angles in the long and unwavering recitation of success. It is remarkable because the *Amerasia* case in June, six months previously, had revealed that 1,700 documents, some labeled secret and top-secret, had been squirreled out of government files. It is remarkable because, almost a month to the day before Hoover uttered this final boast, he had sounded an alarm, based on the revelations of confessed spy-courier Elizabeth Bentley, accusing thirty-seven officials in government of having betrayed their trust. If Hoover believed Bentley and the contents of his own memorandum, how could he be so certain that not a single spy had succeeded?

The question serves only to highlight again a thread that runs throughout the story of the FBI—the duality of Hoover's operation. Incompatible poles of fact are harmonized to look like twin kittens. The FBI's perfection when it becomes imperfection is still perfection because the imperfection wasn't the FBI's fault. Other less-than-perfect agencies must take the blame.

This was the case now. The persistent refrain of years that we had been absolutely secure because the FBI was guarding us was about to be changed to the shocking, the frightening, assertion that the Russians had stolen everything but our short pants. It is one of the most amazing paradoxes of history that the infallible policeman, who had been taking all the bows for guarding us perfectly, was to take none of the blame for guarding us imperfectly. Houdini himself never wrought greater magic.

The Amerasia Case

The great about-face began on June 7, 1945. On that day, eight-column headlines in the New York press informed readers of the great *Amerasia* spy case. *Amerasia* was a little-known magazine, published in New York and devoted to Asiatic affairs. It had a circulation of only about 1,700 copies, but, it was later to be charged, a disproportionate influence. Some officials in the State Department were said to follow it avidly and to look upon it as "the Bible" on China and the Far East. Behind the headlines was a months-long investigation. Early in March, 1945, an official of the New York branch of Brig. Gen. William J. (Wild Bill) Donovan's Office of Strategic Services (OSS), the wartime foreign secret-service outfit, happened to be reading a copy of *Amerasia*. What he saw in print almost made him fall out of his chair.

The article that had attracted his attention was one criticizing the British occupation of Thailand. In substance, it was virtually identical with a secret report the OSS had forwarded to the State Department. In fact, some of the language in the report appeared to have been lifted almost verbatim.

This discovery sent the OSS into action. Frank Bielaski, New York regional director, established a round-the-clock surveillance of *Amerasia's* headquarters at 225 Fifth Avenue. The watch wasn't very productive, and so on the night of March 11, 1945, Bielaski led his raiders in a search of the editorial sanctum.

The raiders quickly discovered six documents marked "top secret" from the Office of Naval Intelligence, the original OSS report on Thailand, five other original OSS documents which nobody had suspected were missing, and finally a bulging suitcase crammed with scores of documents ranging in importance from "restricted" to "top secret." The documents had originated in the offices of Naval Intelligence, Military Intelligence, Censorship, the State Department and OSS.

Bielaski, taking a few samples that he figured wouldn't be missed by *Amerasia,* left everything else just as he had found it and hopped a plane for Washington. General Donovan at once notified top Navy and State Department officials. A decision was made to call in the FBI for a thorough, secret investigation. Three months of intensive surveillance followed.

The Long, Long Tail

The principal figure in *Amerasia* was Philip J. Jaffe, its editor, a well-to-do greeting-card manufacturer. On several occasions, FBI reports later revealed, agents tailed Jaffe on visits to the Soviet Consulate in New York. Three times they followed him on trips to the home of Communist boss Earl Browder in Yonkers, New York. And on April 22, 1945, they watched while Browder brought a prominent Chinese Communist to Jaffe's Greenwich Village apartment, where the three conferred for five hours. The FBI

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attached significance to this meeting of minds because one of the documents Bielaski had spotted in Jaffe's stuffed suitcase was a complete report on the size and disposition of Chiang Kai-shek's Nationalist armies, then battling the Communists.

Probing into the history of Jaffe (a determined Marxist theoretician), the FBI identified him as a long-time supporter of Communist fronts, especially those devoted to promoting the Soviet foreign policy in China and Asia. Agents followed Jaffe on a trip he made to Washington and kept him under surveillance there for days. They watched while he met and conferred with a Navy lieutenant and a State Department Foreign Service specialist. Then, in a discussion within the Justice Department late in May, the FBI laid its cards on the table and recommended action.

Countermanded Orders

At first, the decision was to go ahead and make the arrests, but this order was quickly countermanded on the grounds that, with the San Francisco conference for the establishment of the United Nations in session, this was an undiplomatic time to be accusing the Russians of espionage. Julius C. Holmes, Assistant Secretary of State, balked at this roadblock, however, and notified President Truman of the situation. Truman promptly and personally intervened. He ordered the FBI to go ahead with the case and advised it to appeal to him if there were any further delays and to tell him who was responsible.

With this full backing by the White House, Hoover acted. On the night of June 6, Jaffe and five others were arrested. FBI agents, in serving the warrant on Jaffe, found four filing cases crammed with documents. The total count numbered some 1,700 documents, the vast bulk inconsequential, but a significant number — some seventy in all — dealing with such vital subjects as the disposition of American submarines, the schedule and targets for bombing in Japan, the disposition of the Japanese fleet after the Battle of Leyte, and plans for bombing barge traffic on the Danube.

The initial charge against the *Amerasia* defendants was conspiracy to violate the federal espionage statutes through the theft of highly secret documents. The question whether this charge would hold water had been raised before Holmes went to Truman. Holmes had conferred first with his superior, Acting Secretary of State Joseph C. Grew, who had asked for FBI assurance on two points: Was the evidence airtight? Would prosecution be successful? The FBI answered "Yes" on both counts.

Flaw in the Case

Yet the case had, at first glance, one very obvious and serious flaw. It would seem that about the stupidest method the human brain could invent of committing espionage would be to write articles in a magazine based upon documents the spy has stolen. This public flaunting of the existence and success of espionage, one of the most secretive of all human pursuits, defies rationalization. But in addition to this implausibility, the *Amerasia* case had a gaping hole in evidence. The FBI had absolutely no proof — and later sadly acknowledged that it did not have — to show that information had actually been passed to the Russians. The case lacked, in other words, the essential ingredient of a bona fide spy case: a courier conveying the secret information.

The result was that the great *Amerasia* spy sensation ran into trouble when it was presented to federal grand juries. One jury heard most of the evidence, then went out of session without acting and without asking for an extension of its time. A second jury refused to indict three of the defendants, but did indict Jaffe and two others on a greatly reduced charge of conspiracy to embezzle and steal government documents. Even this was not the end of the watering-down process.

Of the three indictments, one was later dismissed. This left just Jaffe and Emanuel S. Larsen, a specialist in the China Division of the State Department's Office of Far Eastern Affairs, to answer for the conspiracy. But even against them the government did not have clear sailing. The original OSS snooping in the *Amerasia* office had been conducted without bothering to get a warrant; furthermore, there was some indication that Larsen's apartment had been invaded by the FBI before a warrant was obtained. These illegal searches, according to the later official alibi, jeopardized the entire proceedings, and so, in an unusual Saturday morning court session on September 29, 1945, with hardly anybody present, Jaffe pleaded guilty to conspiracy and was fined $2,500. Subsequently, Larsen entered a *nolo contendere* plea and was fined $500; both the fine and $2,500 in legal expenses, he said later, were paid for him by Jaffe.

This disposed of the *Amerasia* case from the legal, but not from the publicity, standpoint. Roosevelt had died and Truman had taken office after the investigation was started. Republicans and some elements of the press, eager to get the Democrats out of the White House at whatever cost, were already toying with the treason label, and the *Amerasia* case was something that could be tortured to their ends. The battle cry quickly became the charge that the *Amerasia* defendants all got away because the Administration had put the fix in. One of the first indications of this tactic came from an amazing source — Larsen, the State Department specialist. In September, 1946, less than a year after his case had been settled, Larsen charged into print with the thundering accusation that the *Amerasia* case had been characterized by "a mysterious whitewash of the chief actors."

Was Evidence Suppressed?

Larsen's opus appeared in the first issue of a new magazine called *Plain Talk*, edited by Isaac Don Levine, who was later, as the confidante of Whittaker Chambers, to become a shadowy figure in the wings of the Alger Hiss case. The article charged that the State Department was infiltrated with Communists, that only part of the evidence in the *Amerasia* case had ever been presented to the grand jury, that the case had been killed because "further probing . . .

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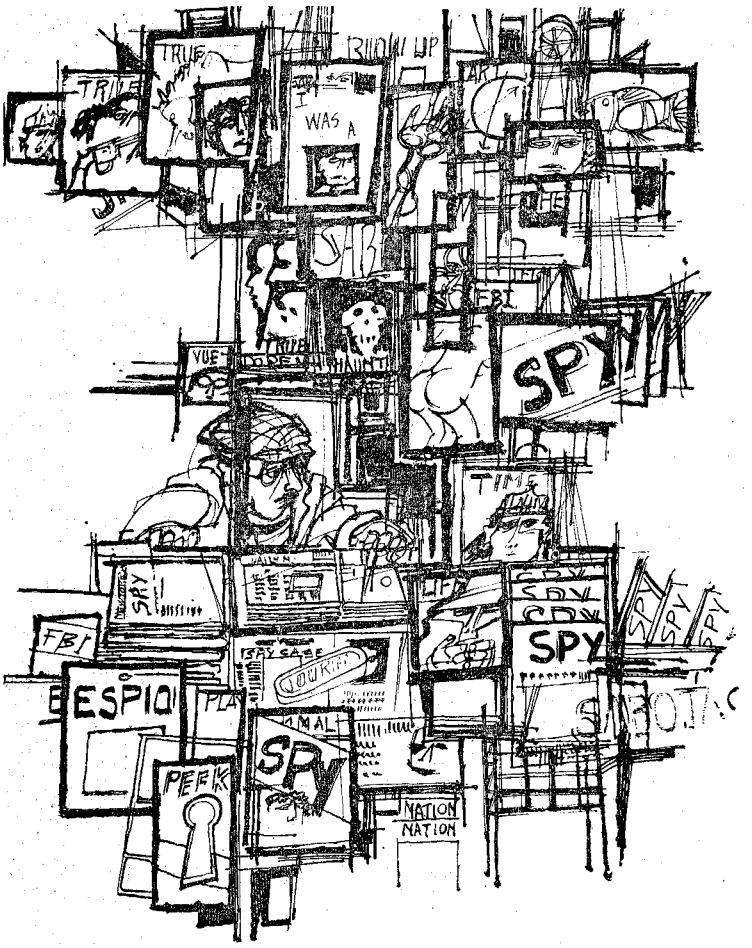

might assume proportions even more far-reaching than those of the Pearl Harbor investigation."

These sweeping assertions, made oddly enough by one of the only two men to be fined, made in a new magazine no one had ever heard of, were picked up by the New York press as if they had gilt-edged authenticity and were made the basis of lengthy stories hinting at a smelly Administration cover-up. In retrospect, these points seem clear: *Amerasia*, while it had exposed glaring leaks in key federal departments, was never, from a legal standpoint, a valid spy case; further, Truman's prompt and vigorous action in leaving a wide-open door for appeal by Hoover seems to discredit the whitewash charges; and finally, the court disposition so bitterly criticized was taken, according to the local prosecutor involved, only after consultations with Attorney General Tom C. Clark, now as a Supreme Court Justice quite the darling of the FBI.

One thing the *Amerasia* case seems to have established, however, was the Barkus-is-willing eagerness of some of the great media that form public opinion to make the Truman administration and the Democrats the scapegoats for any failure of security. It was an attitude that was to be capitalized upon eventually when the second major development of 1945, long kept secret, finally burst upon the public consciousness. This was the spy saga told by Elizabeth Bentley, who asserted that as a courier for a Communist ring she had access to a freight car full of secrets.

Slow-Motion Informer

Miss Bentley had become the queen bee of the informer sect, but when she herself first brought her information to the attention of the FBI, events moved in an almost incredibly dilatory fashion. The sequence, as established in later court actions, went this way: About August 21 or 22, 1945, Miss Bentley walked into the New Haven, Connecticut, office of the FBI with the sole purpose, according to her, of telling agents about her role in filching America's secrets. Documents later introduced in court show that she was also inquiring about an American captain whom she had dated and who told her he was a secret agent. In any event, whether the mysterious captain or the mysterious spying was the major topic of conversation, the FBI's initial reaction to Elizabeth Bentley was not a startled and excited one. The agent to whom she talked, she says, simply took her name and address, told her to go home and wait and that the bureau would get in touch with her later.

The Warning Flash

Weeks passed, and it was not until October 8, 1945, that the FBI office in New York wrote Miss Bentley to come in for an interview about the captain. The letter was sent to a temporary address, had to be forwarded, and it was two or three weeks before it caught up with Miss Bentley. Even then, when she went to the New York FBI office, she was told by the agent to whom she talked that the bureau's "expert" on communism wasn't available; would she please come back later when he was in the office? She would — and did.

It was November 7, 1945 — nearly twelve weeks after she first approached the FBI in New Haven — before Miss Bentley ultimately got her story across. The date is fixed by testimony Hoover himself later gave before the Senate Internal Security Committee on November 17, 1953. He said:

> On Nov. 7, 1945, Miss Elizabeth Bentley advised special agents of the FBI in considerable detail of her own career as an espionage agent. On Nov. 8, 1945, a letter bearing that date was delivered to Brig. Gen. Harry H. Vaughan. . . .

Hoover described this letter as "a preliminary flash," a warning of possibly impending danger. The letter stated that "information has recently been received from a highly confidential source indicating that a number of persons employed by the Government of the United States have been furnishing data and information to persons outside the Federal Government, who are in turn transmitting this information

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to espionage agents of the Soviet Government. . . ." Hoover added in the letter that the investigation was being pressed vigorously, "but I thought that the President and you would be interested in having the foregoing preliminary data immediately."

In this same appearance before the Senate committee, eight full years after his first flash on the Bentley disclosures, Hoover placed his entire personal prestige and the prestige of the FBI on the line in one of the most complete endorsements ever given by a top police executive to a prize informer. He testified:

> From the outset, we established that she [Miss Bentley] had been in a position to report the facts relative to Soviet espionage which she has done. All information furnished by Miss Bentley, which has been susceptible to check, has proved correct. She has been subjected to the most searching cross-examination; her testimony has been evaluated by juries and reviewed by the courts, and has been found to be accurate.

The "Famous" Golos

In the light of this blanket endorsement, it seems essential to understand just who was Elizabeth Bentley and just what was her story. A graduate of Vassar, she had studied abroad, had been revolted by the fascism she saw in Italy and had joined the Communist Party. In 1938, through Communist headquarters in New York, she met a man known to her at first only as "Timmy," with whom she was to develop a common-law husband-and-wife relationship. "Timmy," Miss Bentley learned in the fall of 1939, was actually none other than Jacob N. Golos — in her words "a famous person." A Russian who had left a wife and child behind him in the Soviet Union, Golos had been extremely active in the Communist Party in America; he had been one of the editors of a Communist newspaper in New York, and since the early thirties he had owned and headed World Tourists, a travel agency set up by the American Communist Party to promote travel in, and closer ties with, Russia.

This agency was now, right at the time of Golos' romance with Miss Bentley in 1939, to figure in one of the strangest aspects of the entire affair. On October 20, 1939, representatives of the U. S. Attorney's office, the State Department and the U.S. Marshal's office served a subpoena on Golos requesting that he produce all of World Tourists' records and books before a federal grand jury. Papers and documents in the office were examined by detectives, impressions were taken of the keys of all the office typewriters, guards were stationed at the door to prevent the removal or destruction of records.

No Secrets Here

In subsequent months, Golos made some twenty appearances before federal grand juries. He handed over nearly two truckloads of records. He was compelled to supply all the telephone-number indexes in his office. The exact nature of all this evidence remains an FBI secret, but Miss Bentley acknowledged at a subsequent trial that, as a result of the investigation, "there were found a lot of things on the premises which gave away a great deal about the underground organization."

This, quite obviously, was so, for on January 3, 1940, *The New York Times* reported from Washington that Attorney General Murphy had accused "eight persons and three business houses, all alleged to have Communist Party connections, of military espionage." Among those named were Jacob N. Golos and World Tourists. On March 14, 1940, Golos was indicted for failing to register as a foreign agent; the following day, he pleaded guilty. He was given a suspended sentence of four months to one year in prison and was fined $500. World Tourists was fined $500. Golos and World Tourists were the only ones on the list originally accused by Murphy to be indicted and convicted.

This encounter with the law would seem to establish conclusively that Jacob N. Golos and World Tourists were well-known to American authorities. Their names — and the names of innumerable contacts who appeared on their records — must inevitably have gone into that card-index file in which, as Hoover repeatedly told the country, all espionage suspects, all persons of suspicious or dangerous tendencies, were registered. Certainly, the one man and the one agency that had been convicted in a Soviet espionage case would seem to have been marked for continued FBI attention; their usefulness as an espionage conduit would seem to have been terminated. Yet, according to Miss Bentley, Golos now went right back to his old role of master spy, filching government secrets, operating with perfect impunity, attracting not the slightest suspicion!

Miss Bentley insists that she played a key role in all of this. She became a courier for Golos, traveling to Washington to meet Communist contacts there, lugging back information. Yet one would think that Miss Bentley herself would have been a marked woman, even as Golos was a marked man. She had been Golos' girl friend at the time of his arrest. Even more obviously, she worked for a subsidiary of his World Tourists, the U. S. Service and Shipping Corp. She spent, as she later wrote, "at least half" her working time in the office of World Tourists, and for one period of a year-and-a-half, she actually ran the parent concern.

Was the FBI Asleep?

These were visible, nakedly obvious ties, but amazingly the catalogue of obviousness does not end here. Miss Bentley writes that she made personal trips to consult with Earl Browder; that she used World Tourists' telephone, a dandy instrument, to call the office of the *Daily Worker* and set up personal meetings with the *Worker's* editor of the moment, Louis Budenz. The lack of secrecy, the lack of "cover" in all of this activity, poses the horns of a most uncomfortable, but inevitable dilemma: either Miss Bentley's sensational spy-ring disclosures were concocted in large measure of fantasy or they are completely valid — in which case, with all the wide-open opportunities for discovery, the FBI would seem to have been a most incompetent watchdog.

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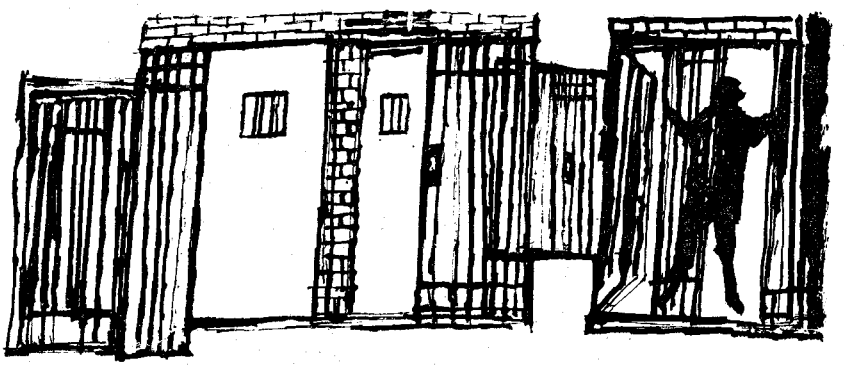
It is obviously important for America, in which large sections of the public still start at the specter of a Communist under every bed, to study the indications of the evidence in making a choice between these unhappy alternatives. On the one hand, there is the indisputable fact that many of the persons named by Miss Bentley — but it should be emphasized by no means all — later



claimed the privilege of the Fifth Amendment when questioned by Congressional committees about their Communist ties. Some who claimed the privilege were undoubtedly Communists; others may not have been. But even if Miss Bentley could and did identify this or that person as a Communist, this did not in itself prove that the person so identified had information. To form an opinion about the existence of the great espionage ring in government, one has to look at the evidence of espionage.

Impressive Detail

One element becomes quickly clear: Miss Bentley was not too strong on specifics. She explained that much of the material she had brought home to Golos was on microfilm — one time she brought back so much, she told him she must have all the secrets of the Pentagon — but of course she didn't know what the microfilm held. She also wasn't an expert on military and scientific matters, and so she couldn't be too accurate about the meaning of some of the information she had gathered. With all of these qualifications out of the way, she did testify, however, to some hard nuggets of specific information. One that was a simple, clear issue of fact and involved no necessity to understand the intricacies of military science was Miss Bentley's positive assertion that her spies in Washington ferreted out the secret of D-Day well in advance of the event.

Miss Bentley stressed this impressive detail in her first appearance before the House Un-American Activities Committee in 1948, and it was so striking that it has occasioned much tongue-clucking of the look-at-that variety ever since. It even impressed Rebecca West, the well-known British author, who cited it in an article she later wrote upholding the practices of Congressional committee inquisitions. So let's take a close look at this nugget of hard fact.

"We knew D-Day long before D-Day happened, and we were right," Miss Bentley told the House committee. She expanded:

> Mr. [William Ludwig] Ullman [one of her alleged spy contacts] was in the Pentagon with the Air Corps, and through his connection with Gen. Hilldring's office he had learned the date, and I remember it distinctly because with that knowledge he was betting with a friend of his when D-Day would be and, of course, he won the bet, since he knew of it ahead of time.

Some of the flaws in this simple bit of testimony were pointed out in 1955 in a brief filed with the Civil Service Commission's Loyalty Board by William Henry Taylor, one of the federal officials accused by Miss Bentley — and one who strenuously denied her charges. One of the lesser errors, according to the brief, was that Gen. Hilldring, the supposed source of the marvelous information, was never in the Air Force. In 1944, he was attached to the Civil Affairs Division of the War Department. Next, even more obviously and even more seriously from the standpoint of credibility, we were at the time of the D-Day landing in Normandy an ally of Russia. Remember? As allies, it was important that attacks on Germany from East and West should be coordinated; it served our patriotic purpose to inform Russia as explicitly as we could, in advance of the event, just when the Western invasion would begin. And this, the record shows, is precisely what we did.

Maj. Gen. John R. Deane, head of the U. S. military mission in Moscow, subsequently related in his book *The Strange Alliance* that he received instructions on April 7, 1944, to notify the Russians that the invasion had been set for May 31, with a two- or three-day margin on either side, depending on tides and weather. Note that even this official information wasn't specific; it didn't pinpoint the exact day—and for one very good reason. It couldn't.

As anyone who has read Dwight D. Eisenhower's *Crusade in Europe* and other official books on the subject must realize, D-Day was a variable date, and even Eisenhower himself couldn't have named the exact day until the instant he made the crucial decision. In fact, the invasion was originally scheduled for June 5, but it was postponed at a staff conference at 4 A.M. on June 4 because meteorological reports were "discouraging." The actual decision to invade on June 6 was not made until the last minute, at another staff conference at 4:15 on the morning of June 5 — a sequence that seems to ridicule Miss Bentley's claim to specific prior knowledge.

Secret of the B-29

If this seems like one dent in the record of the paragon of perfection that Hoover pictured to the Senate in 1953, the question inevitably arises: Is it the only dent? Well, consider the Bentley testimony dealing with her spy ring's inside knowledge of the details of America's new and most powerful World War II bomber, the B-29 Superfortress.

In 1949, testifying before a subcommittee of the Senate Judiciary

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Committee in an investigation of Communist activity among aliens, Miss Bentley said the Russians had particularly good information on the B-29 because "we had a man who was a specialist in B-29s. He was sent out to Dayton Field to work on them, as a result of which we knew how they tested, how they stood up, we even knew about the projected raids on Tokyo, and so on — that type of information."

> *Q.* Did you have any information respecting the Doolittle raid on Tokyo which you transmitted as a courier?
>
> *A.* Yes; we knew about the raid, I guess, a week or ten days ahead of time; yes.
>
> *Q.* From whom did you secure the information on that raid?
>
> *A.* That was from William Ludwig Ullman, who was a specialist, as I understand it, in the B-29 program.

In this testimony, Miss Bentley seemed to confuse and coalesce the B-29 and the Doolittle raid into one connected sequence. But the Doolittle raid took place on April 19, 1942; the first Superforts didn't go into action until June 5, 1944. And as any schoolboy of the time would know, schoolboys being hep on plane models, Doolittle performed one of the miracle feats of the war by getting stripped-down B-25 medium bombers off the tossing deck of the *Hornet;* the Doolittle raid had not the remotest connection with B-29s, four-motored monsters that dwarfed his small bombers as the Cadillac does the Volkswagen.

Secret of RDX

One other example of Bentley specifics that seems less startling on examination than it did on the witness stand may be taken from the same Senate hearing. Miss Bentley testified that her ring got information on RDX—"a sort of explosive. I am not a chemist and I don't know too much about it; it recently appeared in the papers." This feat appears to be one of the world's lesser achievements in espionage when one realizes that, according to the Encyclopedia of Chemical Technology, RDX was discovered in 1899, its explosive properties were recognized about 1920 and it was used on a large scale during World War II by all the major powers. In view of this common knowledge and use, what is one supposed to think of Miss Bentley's testimony that her spy ring ferreted out the secret of RDX?

37 Discrepancies

These are only some of the problems posed by Miss Bentley's various appearances upon the witness stand. The 107-page William Henry Taylor brief filed in 1955 charged there were a total of thirty-seven such discrepancies, some minor but several, like the story of D-Day, of striking significance. The entire Bentley episode inevitably gives rise to disturbing questions. How infallible is the policeman who would stake his reputation on the bold, emphatic assertion that Miss Bentley had never been discredited? If this is the kind of sweeping judgment used in accepting *in toto* the tale of one informer, what is one to think of the tales of other informers that led to the widespread hysteria over treason and subversion? Further, if the *Amerasia* case and Miss Bentley's disclosures really indicated that the Russians had made merry with our secrets, how did the head of the FBI come to tell the international police chiefs' conference *after* Amerasia, *after* Bentley, that we had been perfectly protected? Just where does the truth lie? How much is fact and how much fiction? The answers are not certain, can never be certain unless in the slow measure of time there is some thorough, impartial re-examination and investigation of the whole tangled skein and the FBI's role in it. One thing is certain in the timid climate of our day; such a time is not yet. In the interim, at least this much is obvious: either the FBI gave us perfect wartime security as it so long maintained, or it gave us such imperfect security that a clearly-labeled Golos could continue masterminding the theft of secrets. Take your choice. But make a choice. Truth cannot dwell simultaneously at two opposite, incompatible extremes.

Yet, for the American people, in the muddled press-agentry of our times, truth for years has done just that. We have had the perfect FBI, and we have had wholesale spy scares that have not tarnished in the slightest the luster of perfection. The Congressional hearings of 1948, highlighted by the testimony of Elizabeth Bentley and Whittaker Chambers, were followed by the perjury trials of Alger Hiss and William Remington. Of all the supposed thirty-seven government plotters named in the Hoover memorandum of November, 1945, just these two were prosecuted and convicted—and both cases raised some of the most disturbing questions in our time about the quality of justice. Even if one accepts the convictions at face value, one is left with another disturbing set of questions. What about the other thirty-five who were accused but not even indicted? Were they innocent of espionage and wrongly blackened? Or were they guilty and got away through sieves in our protective screen?

Perhaps no one will ever know. These questions were hardly even raised at the time because other spy cases followed so swiftly on the Bentley-Chambers disclosures as almost to preclude thought and forestall inquiry. The years 1949 and 1950 brought two fresh headline sensations — the Rosenberg case and the Coplon case.

"Crime of the Century"

The first involved, allegedly, the theft of the atom-bomb secret and has been called variously the "crime of the century" and a "crime worse than murder." The enormity of the crime is predicated upon the belief that information channeled through the Rosenbergs enabled Russia to copy our A-bomb and menace the future of the world. Curiously enough, no responsibility for the leak ever attaches in the popular mind to the FBI. Whitehead, indeed, conveys the impression that the FBI had nothing to do with security on the Manhattan project. "The Army had exclusive responsibility for guarding atomic security and for clearing personnel assigned to the Manhattan Engineer District, which directed the atomic energy program," he writes. He cites the terms of a delineation agreement under which the Army took full responsibility for the inves-

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tigation of personnel and security. This version leaves the FBI completely out of the picture.

Actually, while the Army had responsibility for final decisions, the record makes it perfectly obvious that the Army did not work alone

and did not work in the dark. It had active and important and constant help from the FBI. The FBI's statement that it had checked 269,303 fingerprints of Manhattan project applicants, that it had checked every person employed on "the atomic-bomb development," is clear evidence that it must share responsibility for the screening.

The most serious and most obvious flaw in the protective setup involved a member of the British mission sent here to work on the bomb. Klaus Fuchs, a German refugee who had become a prominent British atomic scientist, had been cleared by British security, and the evidence indicates that this clearance was accepted without question, logically enough, by American authorities who could not be expected to know as much about Fuchs as did the British.

In December, 1949, however, Fuchs confessed to British authorities that he had been a Communist spy. During the time he had worked on the atomic bomb, he said, he had passed information to a spy courier whom he knew only by the name of "Raymond." The FBI, after exhaustive search, identified "Raymond" as Harry Gold, a chemist employed at Philadelphia General Hospital's heart station. Gold had been among those named by Elizabeth Bentley as an active Communist; he had actually been questioned in 1947 and released. Questioned again after Fuchs's confession, Gold finally told his story, acknowledging that he had funneled information he obtained from Fuchs to Anatoli A. Yakovlev, Russian Vice Consul in New York.

Far-Ranging Confession

Gold's far-ranging confession implicated others. He recalled that he had been sent to Santa Fe, New Mexico, to pick up data from David Greenglass, an Army technician employed on the atomic-bomb project. Greenglass, questioned by the FBI, also confessed. He said that he had been recruited for the Soviet spy ring by his brother-in-law, Julius Rosenberg. Greenglass described how he had passed details of the lens molds, the triggering device for the atomic bomb, both to Gold for delivery to the Russians and to Rosenberg personally.

This espionage had gone undetected by the FBI and Army security, yet there had been some obvious clues which, it would seem, might have given cause for suspicion. Greenglass in his youth had been a member of a young Communist organization, a circumstance that seems to have escaped notice when he was employed on the atomic-bomb project. While it is understandable that this old and not too definite tie might not have been picked up, a more positive link was supplied in February, 1945, when the FBI identified Rosenberg as a Communist, questioned him and had him fired from his Army Signal Corps job. The family tie between Rosenberg and Greenglass evidently excited no curiosity at the time, a pity in its way because it was after the exposure of Rosenberg that the alleged A-bomb theft took place. Gold left for Santa Fe and his first meeting with Greenglass in late May, 1945, some three months after the unmasking of Rosenberg; and Greenglass, by his own subsequent testimony, at least, gave Rosenberg drawings of the triggering device of the Nagasaki A-bomb much later, in September, 1945.

This lost opportunity to catch Rosenberg in time and so to preserve our most vital secret, if indeed it could have been preserved, seems to have been lost to public view in the dramatics of the Rosenberg case. As it was, the interlocking confessions of Gold and Greenglass doomed Julius and Ethel Rosenberg, who went on trial for their lives in New York in March, 1951. They were convicted, sentenced to death and executed in a case that provoked world-wide agitation.

The Communist Party, which had been almost completely silent during the period of arrest and trial, leaped upon the issue after the Rosenbergs were convicted and began a propaganda campaign to picture them as martyrs. On the night of the execution, mass meetings were held, placards waved, the American system of justice denounced. This 180-degree reversal of course suggests that the Communists, grim and ruthless, not caring a fig about two human lives, were happy with an extreme verdict which they could twist to their own propaganda purposes.

The Doubts Persist

In the years since the executions, the debate has continued. It has been clouded and prejudiced by obvious Communist ax-grinding, but there are disturbing elements. Doubt pivots, not so much about the Rosenbergs' Communist ties or even their involvement in shady business, as about whether they did indeed commit a crime of earth-shaking magnitude, one that justified the supreme penalty. Fuchs, it would seem, could have relayed to Gold much more important knowledge than could David Greenglass, a slow mental type who never in his life had passed a technical course. And except for the stories of Gold and Greenglass, both revealed in court actions as persons of dubious veracity, both possibly seeking leniency for themselves, there was no way of proving that the A-bomb secret was channeled to the Russians through the Rosenbergs.

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Indeed, there are valid grounds now for wondering whether the Russians needed to steal the secret at all. It was easy to believe at the time of the trial that the only way Russia could have achieved an A-bomb was by picking the brains of her more educated betters. It was a day in which American scientific supremacy ruled unchallenged, in which to most Americans the Russians were little better than unlettered Cossacks. But last fall Russia hurled Sputnik into space, a dramatic argument against self-delusion.

While the shock of the Russian achievement was dissipating American complacency, Robert Morris, counsel for the Senate Internal Security Committee, rushed to the federal penitentiary in which Gold and Greenglass were serving out their time. The pair obligingly told him, as he triumphantly announced, that Russia had stolen the secret of Sputnik from *us*. The New York *Herald Tribune* found it impossible to swallow this one, commenting in a tart editorial that, if this were true, we had better dust off the carbon copies of our old secret, because we could sure enough use it.

Reappraisal Needed

The Russian scientific success, the obvious readiness of Gold and Greenglass to tell Senate investigators something the investigators wanted to hear, both suggest the necessity for some agonizing reappraisals of the Rosenberg case. The ultimate evaluation of the accuracy of the FBI's and the government's interpretation of the evidence will be affected by appraisals of Russian science like the one *Time* made on June 2, 1958. *Time* reported that Russian "physicist Igor Kurchatov possibly knew the basic principles of the A-bomb before the U. S." It noted, too — a fact now generally conceded — that the Russians developed a workable hydrogen bomb before we did; that they put their first pure-jet airliner into operation more than two years before we did; that their protective radar screen, in the words of one of our own scientists, "appears to be better than our own"; and that, in a word, "Soviet science is universally acknowledged to belong in the world's top drawer."

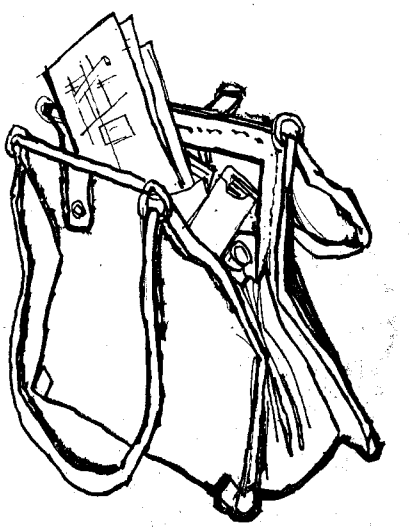
In the light of such developments, there seems to be a lot of good old-fashioned horse sense in Cyrus Eaton's statement that any idea that we can keep industrial methods and developments a secret is "just a hallucination and an emphasis on the police side of our government." In the light of such developments, one must wonder whether the Rosenbergs, whatever else they did, actually committed the crime for which they were executed — the "crime of the century."

The Coplon Case

The spy case of Judith Coplon was entirely different than the Rosenberg case—and just as significant in its own way. Miss Coplon had been a top student at Barnard College in New York and was employed as an analyst in the Justice Department in Washington. She was 27 on the night of March 6, 1949, when trailing FBI agents nabbed her on a New York street in the company of Valentin A. Gubitchev, an attaché of the Soviet delegation to the United Nations. In Miss Coplon's handbag, at the time of her arrest, were a number of documents, including one memo in her own handwriting. It read:

> I have not been able (and don't think I will) to get the top secret FBI report which I described to Michael on Soviet and Communist intelligence activities in the U.S. When the moment was favorable I asked Foley [William E. Foley, a security officer in the department] where the report was (he'd previously remarked that he had such a report). He said that some departmental official had it and he didn't expect to get it back. Foley remarked there was nothing "new" in it. When I saw the report, for a minute, I breezed through it rapidly, remembered very little. It was about 115 pages in length and summarized, first, Soviet "intelligence" activities. . . . It had heading on Soviet U.N. delegation, but that was all I remember. . . .

Miss Coplon was indicted on espionage charges both in Washington and New York, one case being based upon the theft of information, the other upon the attempt to pass it along. In the first trial, held in Washington, her attorney tried to explain away this remarkable handwritten memo by arguing that it was "allegorical" and referred merely to "prototypes" in a novel she was planning to write. As for Miss Coplon's association with Gubitchev, the explanation was that the pair was just "crazy, crazy" in love. The



jury, understandably, had a little trouble believing everything was this simple, and convicted Miss Coplon.

Yet even this case, with all its evidence, picked up burrs from the way the investigation had been conducted. One of the problems, as in the *Amerasia* case, was that the FBI agents hadn't bothered to equip themselves with a warrant when they went to make the arrest. The trial evidence showed that Miss Coplon had been under surveillance for weeks; FBI agents had watched other meetings between her and Gubitchev; they had had plenty of opportunity to fulfill all legal requirements by getting a warrant — but they hadn't done so.

Even more important, from an ethical standpoint, was the issue of wire tapping. The defense had charged in the Washington trial that Miss Coplon's telephone had been tapped and that much of the government's case against her was the product of illegally-secured information. The government had emphatically denied this. With FBI agents present in court, including one who,

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it subsequently developed, had actually labored on the tap, federal attorneys assured the court that there had been no tapping.

Widespread Wire Tapping

The truth was dragged out finally in New York. The defense pressed the wire-tap charge more vigorously, and Judge Sylvester Ryan ordered the FBI to produce its records. Then, and only then, was it disclosed that the government had tapped the phone in Miss Coplon's home, her phone in the Justice Department in Washington, the phone in her parents' home in Brooklyn, the phone that she used to confer with her lawyer while the first trial was in progress. Some thirty FBI agents, the FBI conceded, had taken part in the electronic eavesdropping. Furthermore, faced with exposure in the New York trial, the FBI had destroyed the wire-tap recordings, acting on instructions in a secret memorandum from Washington. The memorandum read in part: "In view of the imminency of her [Miss Coplon's] trial, it is recommended that this informant [the tap] be discontinued immediately, and that all administrative records in the New York office covering the operations of this informant be destroyed."

In both Washington and New York, these revelations wrecked the Coplon convictions when the battle was fought out in the Court of Appeals. Leonard B. Boudin, Miss Coplon's appeal attorney, accused the FBI of "rankest perjury" in denying to the court in the Washington trial that wire tapping had been used. Fred E. Strine, special assistant to the attorney general, was hard-pressed to justify the government's position. In argument before the District of Columbia Court of Appeals, he insisted that the wire tapping didn't make any difference to the case because the evidence so obtained hadn't been used against Miss Coplon. Chief Judge E. Barrett Prettyman interrupted with the observation that this was "an extremely optimistic view." He added: "I'd like it explained to me how any appellant can have a fair trial if conversation between him and his counsel is intercepted."

In arguments on the New York appeal, Judge Learned Hand, one of the most distinguished of federal jurists, clashed sharply with Strine. The federal prosecutor had argued that the government had not been guilty of "deliberate or wanton destruction of wire-tap records." Judge Hand took him up sharply, asking: "Could there have been anything more wanton and deliberate than was shown by the evidence?" He cited the FBI's specific memorandum to destroy. Strine argued that this had been issued merely for security reasons, but Judge Hand disagreed emphatically. "You can point a finger at any person and say for security reasons," he pointed out.

Judge Hand later wrote the decision by which the New York district appeals court, by a unanimous vote, threw out the guilty verdict. He softened his stand a bit on the wire tapping, saying that the destruction of the recordings wasn't too vital, since copies had been kept in Washington, but he stressed that the government had failed to show that the taps had not helped its case. He wrote that Miss Coplon's "guilt is plain," but held in effect that the FBI had ruined its own case. He argued that upon the validity of Miss Coplon's arrest "concededly depends the validity of the seizure of the incriminating packet [of documents] and its competence as evidence at the trial." Only if Miss Coplon had been a fugitive trying to escape would arrest without a warrant have been justified, he said, and in this case, patently, this was not so. "No sudden emergency forced the hand of the agents," Judge Hand wrote. "They made everything ready except for the one condition which would have made the arrest lawful: a warrant."

New Law Passed

Congress later decided that the FBI shouldn't be bothered with such legal technicalities as warrants in espionage cases, passing legislation specifically exempting them from the normal statutory procedures. Nothing much could be done, however, to eradicate the impression that deliberate deceit had been practiced on the Washington court on the wire-tap issue. This is perhaps a harsh verdict, but it is difficult to see how, in view of the facts, any gentler one can be returned. Especially since it develops that the Coplon case was not an isolated one.

Last February, an almost identical contretemps developed in an appeals hearing on an action brought by the Justice Department to make the Communist Party register as a subversive organization. Throughout the entire earlier course of the action, Justice Department lawyers had repeatedly told the courts that no recordings had been made in 1945 of talks between the FBI and Louis Budenz. The Communist Party petitioned for a re-hearing and asked for more explicit assurance on this point. As a result, James T. Devine, a Justice Department lawyer, asked FBI agents to furnish affidavits. Instead of supplying the affidavits, the FBI acknowledged the truth — that, unknown to Budenz, it had taken recordings of the talks; it had had them all the time. Devine assured the court that this sudden admission came as a complete surprise to him and, he believed, to all other government attorneys working on the case.

Ethics in Law

Now some persons may say, "Oh, well, they were fighting the Communists; anything goes." But to others it may logically seem that the issue raised by such actions transcends communism or, indeed, any individual case. It is simply this: the word of the FBI and the Justice Department should be above reproach in our own courts of law. No rationalization can possibly justify the solemn and emphatic insistence of law-enforcement authorities on an assertion that is the exact opposite of truth — and which they must know to be the exact opposite of truth. And it will take a very great rationalization indeed to reconcile the wire-tap cover-ups in the Coplon and Budenz cases with the image of the FBI as an organization whose principles are so lofty and whose dedication to ideals is so steadfast that its word on anything and everything must under no circumstances be questioned.

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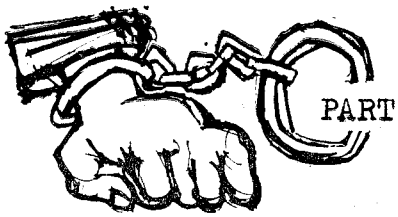

THE FINAL JUDGMENT

Anyone attempting to reach a definite verdict on the FBI must be overwhelmed at the outset by the complexity of the task and the difficulty of assessment when, for more than twenty years, there has been no attempt at impartial analysis; when, for more than twenty years, the public impression of the bureau has been built largely upon unquestioning acceptance of what the organization has said about itself. One conclusion, however, should be obvious to anyone who has gone to the trouble of trying to research the day-to-day newspaper files; the FBI, like any other human agency, is not perfect; it makes mistakes, sometimes serious ones. And because it does, it should not be placed, any more than any other human agency should be placed, upon such a pinnacle that its actions, its pronouncements, may not be questioned without the critic running the risk of being considered an enemy of the republic.

American democracy has not granted such immunity from criticism, such immunity from the thinking processes of the human intellect, to the greatest and most revered of our Presidents. Washington, as President Eisenhower not so long ago reminded us, was savagely attacked; so was Jefferson; so was Lincoln—and so, after the honeymoon of the first Administration, was Eisenhower. In all the annals of American history, it would probably be impossible to find another major and extremely powerful public figure who has been granted the immunity that since 1940 has been J. Edgar Hoover's lot—immunity not just from attack on important questions, but even from the hasty, harsh word.

Anyone who has been a small-town reporter and has seen how so empty a title as Mayor of Podunk inflates the human ego and fattens the human brain can hardly escape the feeling that the phenomenon of universal praise can hardly be good for Hoover himself, the bureau he heads or, more important, for the American public.

This, then, is an attempt to do what has not previously been done—to wash away some of the cobwebs of press agentry, to turn a deaf ear to the clamor of the claque and try to arrive, as fairly and honestly as one can, at something that at least approximates a final balance sheet.

How Good is the FBI?

Just how good is the FBI?

Opinions certainly will differ—from the bureau's own that it is the very best, to the less charitable judgments that it may not actually be as good as some of the other federal investigative agencies and no better than some of our best police departments. Only a few years ago, for example, Westbrook Pegler wrote that the FBI has personnel scandals just as does the New York police department, but the difference is that, when a cop gets into trouble, he makes a page-one headline; when an FBI agent comes a cropper, he is quietly shelved or bounced by the boss and nothing is ever heard about it. Pegler expressed the belief that the FBI is a fine and efficient organization, yes; but probably on the whole no more fine and no more perfect than the police department of New York. Personally, I would be inclined to rate the FBI considerably higher than that, but my judgment may be clouded from watching the day-to-day activities of the New York police more closely.

Certainly the record makes this much clear; FBI infallibility is a carefully-cultivated myth. The actual histories of some of the bureau's proudest cases proclaim this. The hunt for Dillinger, prize scalp in the collection, was a checkered saga successful in the end only after two humiliating defeats at gunplay, successful in the end only because the East Chicago police came up with the all-important tip. The arrest of Karpis, Hoover's personal triumph, certainly had its bungling and embarrassing moments, and one is tempted to wonder how many good local policemen on a planned raid, knowing their target was the nation's Public Enemy No. 1, would have forgotten to bring handcuffs.

The record says that there are other serious flaws.

Time and again, local police, quietly and efficiently, have made important arrests without the wild gunplay that the bureau found so necessary.

Time and again, local police turned up the key clues in sensational cases for which the bureau, in the popular mind, was given all the credit.

Over the years, Hoover has talked tough about getting the big-shot racketeers, and the public and the press, accepting these pronouncements, have looked upon the FBI as the Nemesis of big-time crime; yet actually, startlingly, the record shows that the real czars of the underworld, accommodating gentlemen when it comes to bankrolling political machines, rarely have been touched. The Syndicate has flourished in the very years of Hoover's ascendancy, capping its performances with the display of mob government in council at Apalachin.

Careless Statistics

And finally, FBI crime figures all too often lack that complete authenticity that has unquestioningly been accorded to them. The record shows that Hoover's GID mustered a radical army of half-a-million almost overnight in the hysteria of 1919-20; that the Brookings Institution discovered Hoover being careless with millions as he built up the picture of a menacing army of crime and murder in the thirties; and *The New Yorker* analysis this spring showed the same thing in regard to juvenile

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delinquency figures. The harm of such irresponsibility with statistics is obvious: the newspaper headlines and the stories of an uncritical press may delude the public into panic about non-existent menaces.

Solid Accomplishments

On the good side, there are solid accomplishments.

The central fingerprint file, with the rapid service the FBI provides, is an invaluable resource in fighting crime on every level.

The scientific laboratory is equally important, both for its role in bringing ultimate proof to many cases and the emphasis it has stimulated on science in crime detection.

The National Police Academy has played an important part in spreading the knowledge of these better, more modern methods through police departments across the nation.

And, finally, the quality of the bureau's special agents has been immeasurably improved since the old days of the Daugherty-Burns regime. Hoover's insistence on eliminating political influence in appointments is largely responsible for this, and while the no-politics rule has served Hoover's own good — after all, it has made him unchallenged boss with the entire bureau responsible to him and him alone — it has also by and large served the public good.

Were it not that these accomplishments have been overblown by press-agentry into such an image of perfection that the eye cannot see clearly and the mind cannot reason, there would be little cause for alarm about the power and influence wielded by the FBI; for in that case the bureau would be subject to normal scrutiny, normal criticism, the normal checks of American democracy.

But these checkreins have been swept away in the flood of propaganda poured out unremittingly for decades; they no longer exist — and therein lies the danger.

It is a danger magnified by the personality and the prejudices of the one man who dominates and determines: Hoover. One of the glaring inconsistencies of our time is that this name, by constant reiteration, has become a household word, while the man himself remains just a name —for the most part fleshless, bloodless, devoid of human foibles; a symbol more than a human being.

The symbol has been accepted almost universally on its own terms, but one who looks critically at Hoover's record during the years can hardly fail to be impressed by the duality of his nature. He rarely operates on a single plane, but on two or on several. No prominent American figure has ever landed more easily and naturally on both sides of every fence. The words are always the right words, but often they seem confounded in the deed.

The dual nature of the man and his methods was obvious in the Cyrus Eaton case. Hoover was loftily above the battle; he wouldn't dignify Eaton with a reply. But then he whipped on the troops and, in due time, in a medium where he could not be challenged or questioned— his own FBI magazine — he did just what he said he wouldn't do: he replied.

The same split, the same clash between profession and action, runs through Hoover's career. He disclaims publicity, yields to it only with the greatest reluctance for the good of the FBI and the good of the country; yet he reacts to criticism with ready vituperation instead of facts and, as was illustrated in the case of *The Feds,* which lionized him as Public Hero No. 1, he laps up praise with an insatiable appetite.

On another level, Hoover always loudly proclaims the need for close cooperation between the FBI and local law-enforcement agencies, all working harmoniously together on the side of right against crime; yet the record shows many instances in which Hoover and the FBI have hogged the spotlight, as in the Brunette case in New York, and anyone who has covered a local police beat knows full well that such tactics have caused widespread resentment that runs bitter and runs deep.

Guarding the Files

Again, Hoover always responds with righteous wrath to the faintest suggestion that the courts or any critically-minded Congressional committee be given a peep at the contents of the FBI's secret files. Yet there have been some repeated and pretty solid indications that this secrecy is often less than perfect. The Hiss case, which the FBI had failed to break by normal and accepted investigative methods, was funneled through an FBI tip to Senator Karl Mundt and became a prosecution deep-dyed with political overtones; in the Army-McCarthy hearings, McCarthy flourished a letter out of the FBI's secret hoard and there was testimony that his legal brain, Roy Cohn, had bragged (Cohn promptly denied it) that he had ready access to FBI secrets; and finally, far more conclusively, the late Senator Pat McCarran, an investigator of the McCarthy stripe, declared explicitly on the floor of the Senate on March 25, 1953: "I have had dozens of them [FBI secret files] in my possession and have taken them home and used them for Sunday reading." Even the sacredness of secrecy, it appears, is two-faced.

It is in the confusion created by such collisions of words and action that one must try to assess Hoover's

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role in the postwar era that he has influenced so subtly and profoundly. While keeping himself in the background of hysteria, he has certainly helped, probably more powerfully than any other figure, to foment hysteria. He began it in 1945 with his complete acceptance of the revelations of Elizabeth Bentley; he gave the witch-hunt the full support of his prestige through his close relationship with McCarthy and through his testimony before the Senate in 1953; he capped the performance this year in his *Masters of Deceit,* which pictures a still-active and menacing internal threat in the very hour of American communism's virtual demise.

If America is ever again to see issues clearly and to react with the powers of the mind instead of emotionally, Hoover's role and the role of the FBI, at some day and some hour, will have to be assessed.

Some Basic Elements

In the meantime, basic elements of the picture should be understood. It should be realized that Hoover's GID in 1919-20 pictured in most alarming terms the real and imminent menace of violent radicalism and revolution. Events showed that the American people did not need the FBI to maintain their hold on democracy; for most of the years between 1920 and 1940, the agency did not operate in the field of "radicalism" and exercised no restraining political influence.

It should be understood that the language of Hoover's GID in 1919-20, the language of Hoover in 1940-41, and the expressions of Hoover today, all fit into one coherent pattern —a pattern that fails to distinguish between revolutionaries and liberals and tars with the brush of subversion all liberalism.

In 1919, for example, as chief of GID and the man in charge of deportations on the Buford, Hoover drew considerable criticism for a refusal to permit wives to accompany their deported husbands. Subsequently, GID in its report to Palmer attacked its critics in language that seems strangely familiar. It said: "There would have been no vicious and hurtful criticism of the administration, but rather free praise from all reasonable sides for its promptness and good effect, had it not been for the press agents of the Reds and their hallucinated friends among the parlor bolsheviks, and even a certain class of Liberal writers from whom better discrimination might have been expected. . . ."

In 1941, Hoover, reacting to criticism, labeled his opponents as:

> ...The rabble-rousing Communists, the goose-stepping bundsmen, their stooges and seemingly innocent "fronts," and last but not least, the pseudo-liberals.... By whom have these persons been set upon us? By persons whom we have trusted most—by certain teachers in our public schools and institutions of higher learning, by certain writers fattening upon royalties paid by the American people while fostering class hatred and discontent, by some prattle-minded politicians grabbing votes with one hand while waving the flag of pseudo-liberalism with the other, and worst of all by some ministers of the gospel. . . . The word "liberalism" is something we should weigh carefully during these dark days that confront our nation....

In *Masters of Deceit*, many of the same phrases are repeated, and in a speech this year, Hoover lumped all detractors together as "professional do-gooders, pseudo-liberals and out-and-out Communists." The master of the FBI always professes profound respect for democratic processes—the right of free speech, the right to dissent — but when these privileges are exercised, he lashes out in language that obliterates all essential distinctions and tars free-speakers and free-thinkers with the treason brush.

McCarthy Technique

The technique is indistinguishable from the technique of McCarthy, and it is not surprising to find that the FBI chief and the Senator formed a mutual admiration society. Nor is it surprising, though it may only be coincidence, to note that the key elements of Hoover's 1941 diatribe have been the pillars of the modern and horrible reality — the instilled distrust of "those we have trusted most," the anti-intellectualism, the Congressional probes of the colleges, even the 1953 charges that Protestant ministers, especially those of the

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Methodist church, were tainted with subversion.

This injection of an anti-religious, anti-Protestant theme into the witch-hunt provoked sufficient public outcry to hoist J.B. Matthews out of office as McCarthy's chief investigator, but it didn't affect the friendship of McCarthy and Hoover. The Senator let it be known that he was conferring with Hoover on Matthews' successor, and when he selected a new investigator, he picked one of Hoover's top agents. The rapport between the two men was put into words by Hoover himself during a stay the two happened to take at the same time in the same seaside hotel in La Jolla, California. Questioned by reporters, Hoover had only kind words for McCarthy. The Senator, he said, was "a vigorous individual who is not going to be pushed around," and he added: "I view him as a friend and I believe he so views me."

This endorsement came after McCarthy, in the full view of television cameras during the 1952 Presidential campaign, committed an unforgivable affront to democratic traditions. On the day Eisenhower tripped on his halo by embracing McCarthy in Wisconsin, the Senator put on one of his this-leads-to-this-and-that performances, trying to link Adlai Stevenson by remote control to the dark devices of Moscow. He wound up by declaring that if someone would only smuggle him on the Democratic campaign special with a baseball bat in his hand, "I would teach patriotism to little Ad-lie."

Face of Fascism

This was the naked face of an incipient fascism on your living-room screen. It was the technique that Mussolini used, that Hitler used, and it's easy to see why. Under such a system, all you have to do is shout treason to demolish your political opponent; you don't have to discuss issues. Especially, you don't have to discuss any possible virtues in a Roosevelt-Truman liberalism.

For the stultification of debate and thought that has resulted, Hoover must share responsibility. He is not, of course, alone. Mass media of information have helped mightily. So have Republican orators. But indisputably the top man of the FBI has lent his powerful support to the non-critical acceptance of the tales of informers, to the grandiose magnification of the subversive menace in a country where violence attracts only the creeps and the crackpots; he has fostered the use of all-inclusive terms of opprobrium like "pseudo-liberal" that defy exact definition and can be used to splatter anyone. Little wonder that we have reached a stage where no issue — not Lebanon, not Quemoy — can be debated vigorously or reasoned on its merits.

This pervasive role of Hoover and the FBI is not reflected in the one-way mirror that has been held up to picture the bureau to the American public. Whitehead's book is a graphic illustration. The author, allaying all fears, quotes a letter from Justice Stone to Hoover on January 2, 1932 — at a time when the FBI was still operating on the sound and conservative lines Stone had laid down, a time before the big build-up.

"I often look back to the days when I first made your acquaintance in the Department of Justice," Stone wrote to Hoover, "and it is always a comfort to me to see how completely you have confirmed my judgment when I decided to place you at the head of the Bureau of Investigation. The Government can now take pride in the bureau instead of feeling obliged to apologize for it."

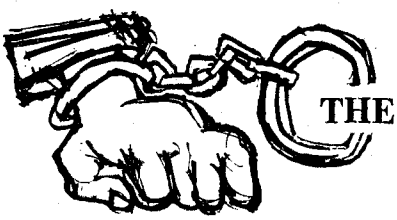
What Whitehead neglects to say is that even Stone had second thoughts. As Mason's life of Stone makes clear, the Justice later wrote: "Personally, I have been sorry to see [the bureau] get the great publicity which it has received, and I only hope that the ultimate effect will not be to break down its morale. One of the great secrets of the success of Scotland Yard has been that its movements are never advertised. It moves and strikes in the dark, and in consequence is more efficient both in its internal organization and its relation to criminals than would otherwise be possible."

Critic of the Court

An America that only this year saw the ultra-conservatives, with Hoover's blessing, fail by only a single Senate vote to curb the powers of the Supreme Court, might also take to heart the philosophy that Stone eloquently expressed in 1924 when he was straightening out the old scandal-ridden bureau. Stone then chalked a clear and sharp boundary line separating the fields a federal-police agency should and should not enter. He did so in these memorable words:

> There is always the possibility that a secret police may become a menace to free government and free institutions because it carries with it the possibility of abuses of power which are not always apprehended or understood. The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with such conduct as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish. Within them it should rightly be a terror to the wrong-doer.

Stone clearly did not envision an age when the man whom he had named to head the FBI could instruct the Supreme Court on its duty.



THE END

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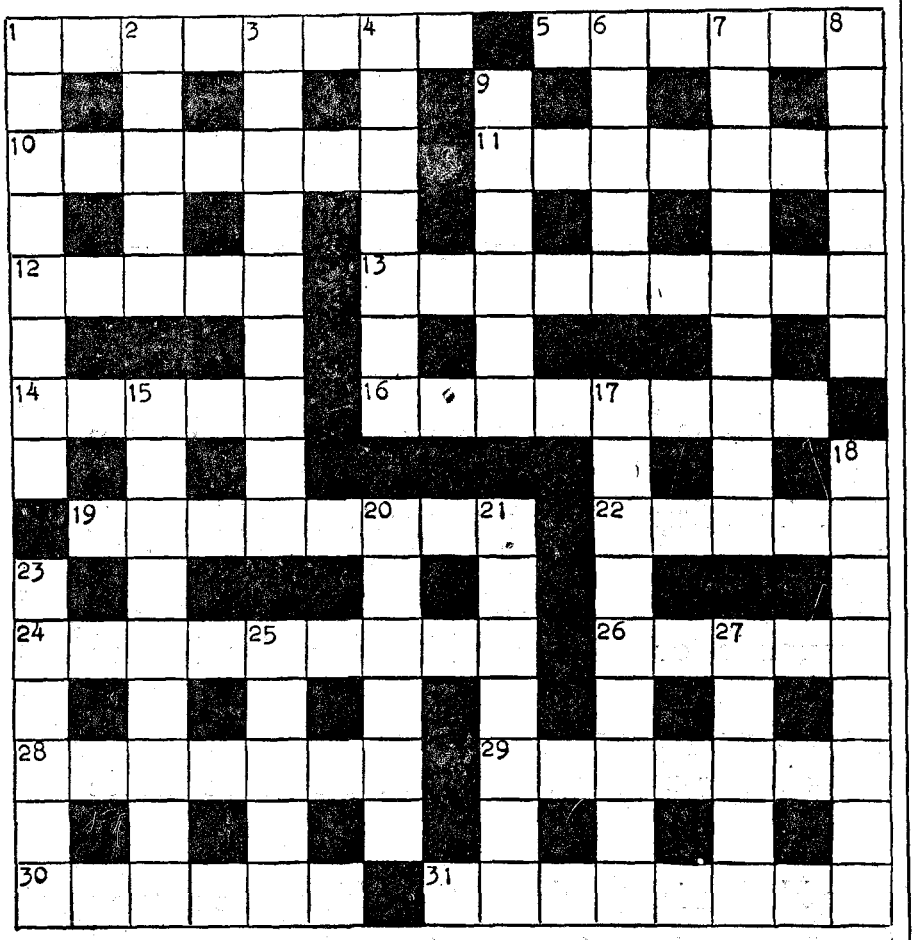
Crossword Puzzle No. 790

By FRANK W. LEWIS



ACROSS:

1 A Templar is likely to be sort of bold! (8)
10, 11, 19 and 5 Might a would-be deb receive such a call, regardless of her place in life? (4, 3, 4, 3, 8, 3, 3)
12 Call the First Lady! She's around, all right! (5)
13 Is a talent an unusually strong word? (9)
14 Is leaving Paris for it, more or less.
16 If you have one of 17, you should be (at least so-called). (8)
19 See 10 across
22 and 25 One more painting, but not in the institution! (10)
24 If it drops, it might get wet. (9)
26 How we might find some of our food, like an Indian. (5)
28 Is the spirit sometimes moved by it? (7)
29 There's a sort of intuitive impression about it, when you get loose.
30 Not exactly happy to get improperly directed, while in the driver's seat. (6)
31 Concerning when the count is about reprimands. (8)

DOWN:

1 What could one cut with them — aces? (8)
2 Is it between the extremes of the Scarlet Pimpernel's whereabouts? (5)
3 The driver gets only between three and four feet in other than common surroundings. (9)
4 The way to soak people in the back-track? (7)
6 See 17 down
7 Satisfactory reparation. (9)
8 Almost all of what the Captain might use is still with us. (6)
9 Might be written to Cleo — the cat. (6)
15 Not so fast as a charioteer whose background could be ruined. (9)
17 and 6 The Roman fights poorly, according to Paine. (3, 6, 2, 3)
18 Bay windows? (8)
20 Strove to be represented by a choice expression. (6)
21 Plan the transit differently. (7)
23 Not indicative of the proper method tar employs. (6)
27 Serve a sort of what 4 should have done originally. (5)

SOLUTION TO PUZZLE NO. 789

ACROSS: 1 Capital letter; 9 Onset; 10 Heterodox; 11 Kneeler; 12 Noisier; 13 Niger; 14 White lies; 16 Darwinian; 18 Mufti; 19 Get lost; 21 Also-ran; 22 Engravers; 23 Atone; 24 Press releases. DOWN: 1 Cloak and dagger; 2 Passenger; 3 Tattler; 4 Lehar; 5 Extension; 6 Turbine; 7 Radii; 8 Expressionless; 14 Whistlers; 15 Inferiors; 17 Iron age; 18 Mismade; 20 Tag up; 21 Aisle.

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